

EXHIBIT 1

Lower Court Record Segment 1 of 4

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[Back](#)

Location : 22nd Circuit Court [Images](#) [Search Help](#)

REGISTER OF ACTIONS

CASE NO. 25-000262-CH

Washtenaw County Prosecutor et al vs ValleyTree Partners LLC et al

§
§
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§
§
§
§

Case Type: **Housing and Real Estate (CH)**
 Date Filed: **02/19/2025**
 Location: **Civil**
 Judicial Officer: **Kuhnke, Carol**

PARTY INFORMATION

Defendant	Nusbaum, Yaakov Lakewood, NJ 08701	Attorneys J. Adam Behrendt <i>Retained</i> (248) 743-6068(W)
Defendant	Rosenthal, Samuel Lakewood, NJ 08701	J. Adam Behrendt <i>Retained</i> (248) 743-6068(W)
Defendant	ValleyTree Partners LLC Lakewood, NJ 08701	J. Adam Behrendt <i>Retained</i> (248) 743-6068(W) Debani Tanay Gordon-Lehman <i>Retained</i> (248) 489-4100(W)
Defendant	VTP A1 LP Lakewood, NJ 08701	J. Adam Behrendt <i>Retained</i> (248) 743-6068(W) Debani Tanay Gordon-Lehman <i>Retained</i> (248) 489-4100(W)
Defendant	VTP Arbor GP LLC Wilmington, DE 19801	J. Adam Behrendt <i>Retained</i> (248) 743-6068(W) Debani Tanay Gordon-Lehman <i>Retained</i> (248) 489-4100(W)
Defendant	VTP Arbor JV LP Wilmington, DE 19801	J. Adam Behrendt <i>Retained</i> (248) 743-6068(W)
Defendant	VTP Arbor One LLC Wilmington, DE 19801	J. Adam Behrendt <i>Retained</i> (248) 743-6068(W)
Defendant	VTP River Woods, LLC Wilmington, DE 19801	J. Adam Behrendt <i>Retained</i> (248) 743-6068(W)
Defendant	Vujnov, Amy Redford, MI 48239	J. Adam Behrendt <i>Retained</i> (248) 743-6068(W)
Plaintiff	City of Ypsilanti	Randolph T. Barker <i>Retained</i> 734-761-9000(W)

Ypsilanti, MI 48197

Andrew D. Sugerman
Retained
(734)997-2176(W)

William Daniel Troyka
Retained
(734) 997-2153(W)

Plaintiff Washtenaw County Prosecutor

Todd Michael Ryan
Retained
(313) 242-0811(W)

Ann Arbor, MI 48103

Victoria M. Burton-Harris
Retained
(734) 222-6620(W)

Washtenaw County Prosecutor
Retained
(734) 222-6620(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

02/19/2025	Jury Demand		
02/19/2025	Complaint		
02/21/2025	Summons Issued (Summons and Complaint)		
02/21/2025	Summons		
	ValleyTree Partners LLC	Served	02/27/2025
02/21/2025	Summons Issued (Summons and Complaint)		
02/21/2025	Summons		
	Nusbaum, Yaakov	Served	03/03/2025
02/21/2025	Summons Issued (Summons and Complaint)		
02/21/2025	Summons		
	Rosenthal, Samuel	Served	03/03/2025
02/21/2025	Summons Issued (Summons and Complaint)		
02/21/2025	Summons		
	VTP A1 LP	Served	02/27/2025
02/21/2025	Summons Issued (Summons and Complaint)		
02/21/2025	Summons		
	VTP Arbor GP LLC	Served	02/27/2025
02/21/2025	Summons Issued (Summons and Complaint)		
02/21/2025	Summons		
	Vujnov, Amy	Served	03/03/2025
02/21/2025	Summons Issued (Summons and Complaint)		
02/21/2025	Summons		
	VTP Arbor JV LP	Served	02/27/2025
02/21/2025	Summons Issued (Summons and Complaint)		
02/21/2025	Summons		
	VTP River Woods, LLC	Served	02/27/2025
02/21/2025	Summons Issued (Summons and Complaint)		
02/21/2025	Summons		
	VTP Arbor One LLC	Served	02/27/2025
03/03/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/03/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/03/2025	Proof of Service		
03/03/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/03/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/03/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/03/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/04/2025	Appearance		
	& proof of service		
03/04/2025	Proof of Service		
03/04/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/04/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/04/2025	Proof of Service		
03/04/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
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03/04/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/04/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/04/2025	Proof of Service - Summons and Complaint (ACK or Personal)		
03/04/2025	Proof of Service		
03/04/2025	Appearance		
	& proof of service		
03/18/2025	Proof of Service		
03/18/2025	Proof of Service		

03/18/2025 [Motion](#)
To file for preliminary injunction and brief in support exceeding 20 pages to be heard in 6 days

03/18/2025 [Proof of Service](#)

03/18/2025 [Proof of Service](#)

03/18/2025 [Motion](#)
For preliminary injunction

03/18/2025 [Brief](#)
In support of joint motion for preliminary injunction

03/18/2025 [Zoom Notice of Motion Hearing](#)
Scheduled

03/18/2025 [Zoom Notice of Motion Hearing](#)
Scheduled

03/20/2025 [Response](#)
In opposition to plaintiffs' joint motion to file a motion for preliminary injunction exceeding 20 pages to be heard on 6-days notice

03/20/2025 [Proof of Service](#)

03/24/2025 **Motion Hearing** (1:00 PM) (Judicial Officer Kuhnke, Carol)
ZOOM- Pltff/ Joint Motion for Prelim Injunction

FINANCIAL INFORMATION

	Plaintiff Washtenaw County Prosecutor		
	Total Financial Assessment		40.00
	Total Payments and Credits		40.00
	Balance Due as of 03/20/2025		0.00
03/19/2025	Transaction Assessment		20.00
03/19/2025	E-File	Receipt # EFILE-2025-01596	Washtenaw County Prosecutor's Office (20.00)
03/19/2025	Transaction Assessment		20.00
03/19/2025	E-File	Receipt # EFILE-2025-01597	Washtenaw County Prosecutor's Office (20.00)

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	JURY DEMAND	CASE NO. and JUDGE 25-000262-CH JUDGE CAROL KUHNKE
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645		Court telephone no. (734) 222-3270
Plaintiff's/Petitioner's name Washtenaw County Prosecutor and City of Ypsilanti	v	Defendant's/Respondent's name ValleyTree Partners LLC
Plaintiff's/Petitioner's address and telephone no. or attorney name, bar no., address, and telephone no. Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107; (734) 622-9049; Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann Arbor, MI 48104; (734) 761-9000		Defendant's/Respondent's address and telephone no. or attorney name, bar no., address, and telephone no. 920 E. County Line Road, Suite 103 Lakewood, NJ 08701
In the matter of _____		

1. I demand a jury trial.

2/19/2025

Date

/s/ Todd Ryan (P81848)

Signature

FILED IN Washtenaw County Trial Court; 2/19/2025 5:27 PM

STATE OF MICHIGAN
IN THE 22ND JUDICIAL CIRCUIT

ELI SAVIT, PROSECUTING ATTORNEY
FOR WASHTENAW COUNTY, *ex rel.* the
People of the State of Michigan, and CITY
OF YPSILANTI,

COMPLAINT

Plaintiffs,

v.

VALLEYTREE PARTNERS LLC, VTP A1
LP, VTP ARBOR GP LLC, VTP ARBOR JV
LP, VTP ARBOR ONE LLC, VTP RIVER
WOODS, LLC, SAMUEL ROSENTHAL,
YAAKOV NUSBAUM, and AMY
VUJNOV,

Case No. 25-000262-CH
~~25-000262-CH~~

The Hon. JUDGE CAROL
KUHNKE

Defendants.

Eli Savit (P76528)
Victoria Burton-Harris (P78263)
Todd Ryan (P81848)
WASHTENAW COUNTY PROSECUTOR'S OFFICE
Attorneys for Plaintiff State of Michigan
P.O. Box 8645
Ann Arbor, MI 48107
(734) 222-6620
ryant@washtenaw.org

Randolph T. Barker (P62604)
W. Daniel Troyka (P65155)
Andrew D. Sugerman (P46687)
CONLIN, MCKENNEY & PHILBRICK, P.C.
Attorneys for Plaintiff City of Ypsilanti
350 S. Main Street, Ste. 400
Ann Arbor, MI 48104-2131
(734) 761-9000
barker@cmplaw.com

Civil actions between these parties or other parties arising out of the transactions or occurrences alleged in the complaint have been previously filed in:

- Washtenaw County Circuit Court
 - Case Nos. 24-001319-AA, 24-001320-AA, 24-001321-AA, and 24-001473-AA,
 - Each of which was assigned to the Hon. Carol Kuhnke;
- 14A-1 District Court
 - Case Nos. 241C4066-LT, 241C4077-LT, 241C4078-LT; 241C2396-LT; 241C4502-LT; 241C3457-LT, 241C4070-LT; 241C4501-LT; 241C4068-LT; 241C3460-LT; 241C4503-LT; 241C4224-LT; 241C4085-LT; 241C4504-LT; 241C4505-LT; 241C4080-LT; 241C4222-LT; 241C4526-LT; 241C4223-LT; 241C4522-LT; 241C4523-LT; 241C4524-LT; 241C4525-LT; 241C4069-LT; 241C4084-LT; 241C4081-LT; 241C4506-LT; 241C4507-LT; 241C4082-LT; 241C4086-LT; 241C4508-LT; 241C4509-LT; 241C4510-LT; 241C3478-LT; 241C4597-LT; 241C4506-LT; 241C4086-LT; and 241C4509-LT,
 - Each of which was assigned to the Hon. J. Cedric Simpson;
- City of Ypsilanti Administrative Hearings Bureau
 - Voluminous administrative cases, for example, 58 total cases listed on hearings docket for Jan. 30, 2025 and Jan. 23, 2025,
 - Each of which was assigned to Administrative Hearings Officer John Gilbreath; and
- U.S. District Court for the Eastern District of Michigan
 - Case No. 2:24-CV-12646,
 - Which was assigned to the Hon. Matthew F. Leitman.

COMPLAINT

On behalf of the People of the State of Michigan, Plaintiff Eli Savit, Prosecuting Attorney for Washtenaw County, and Plaintiff City of Ypsilanti, complain against Defendants ValleyTree Partners LLC, VTP A1 LP, VTP Arbor GP LLC, VTP Arbor JV LP, VTP Arbor One LLC, VTP River Woods, LLC, Samuel Rosenthal, Yaakov (“Jack”) Nusbaum, and Amy Vujnov. Plaintiffs allege that Defendants have created and maintained a dangerous public nuisance at Arbor One Apartments, violated the Housing Law of Michigan and City of Ypsilanti ordinances designed to protect the health and safety of families living in rental homes, and violated the Michigan Consumer Protection Act designed to protect consumers from abusive business practices.

INTRODUCTION

1. Dangerous living conditions are currently threatening the health and safety of hundreds of tenants at the Arbor One Apartments.
2. Of the hundreds of rental homes at Arbor One Apartments that the City of Ypsilanti has inspected, over 75% have health, safety, and welfare violations.
3. These violations include but are not limited to:
 - a. Furnaces and boilers in poor or inoperable condition, with families using kitchen ovens for heat;
 - b. Disturbing drywall that was tested for and documented to have asbestos containing material—without permits or safeguards;
 - c. Leaking, rusted, and broken pipes, drains, and plumbing fixtures;
 - d. Water damage, including collapsing ceilings and mold growth; and
 - e. Insect and vermin infestations, with extensive presence of cockroaches and bed bugs.
4. By way of example only, the following are representative pictures of conditions at Arbor One Apartments, showing the results of water damage to rental homes:

Exhibit 1



Exhibit 2



Exhibit 3



Exhibit 4



5. Many of the residents at Arbor One are foreign refugees and other vulnerable individuals who are challenged by poverty, physical health, and mental health issues, and many of the residents rely on public assistance and services to meet their basic needs for living.
6. Many of the residents are children.
7. Families in less desperate circumstances with more opportunities for exit have left Arbor One Apartments.
8. Defendants are the owners, managers, operators, and people with control over Arbor One Apartments.
9. Defendants are the landlords who are trying to profit from the people living at Arbor One Apartments.
10. The conditions at Arbor One Apartments arise from Defendants' neglect of maintenance, ineptitude, and/or deliberate indifference for the safety, security, and health of the tenants.
11. Due to the violations of housing laws and codes designed to protect the residents of Arbor One Apartments:
 - a. On September 17, 2024, the City revoked all then-active Certificates of Compliance for the Arbor One Apartment buildings—meaning Defendants have been illegally renting apartments since that day, and no tenant should have to pay rent on an illegal apartment, Ypsilanti City Code (“City Code”), §§ 58-122(a)(2), 58-122(d); and
 - b. On December 9, 2024, the City issued condemnation orders on eight (8) of the Arbor One Apartment buildings—meaning the residents of those buildings are

and were facing the threat of forced displacement and the potential for homelessness; and

- c. On February 7, 2025, the City issued condemnation orders on the ten (10) remaining occupied buildings—meaning all of the residents of Arbor One Apartments are facing the threat of forced displacement and the potential for homelessness.

12. After the revocations of the Certificates of Compliance—and even after the condemnations of the entire apartment complex—Defendants, defying both the law and common sense, have continued to advertise apartments and solicit prospective new tenants for Arbor One Apartments without the legal ability to do so. See, e.g., Website, *Arbor One Apartments & Townhomes*, <https://www.arboroneypsilanti.com/>, last visited Feb. 14, 2025 (“Schedule a Tour” with available times listed from Feb. 14 to Feb. 20, and “Apply Now” directing potential tenants to create an application account).

13. Defendants continue to demand rent from the existing tenants at Arbor One Apartments.

14. Defendants are maintaining dozens of eviction cases against tenants—cases where the tenants are seeking to enforce their housing rights, and Defendants are seeking to enforce demands for rent.

15. Housing and consumer protection laws are designed to prevent precisely this type of harm – landlords seeking to profit from dangerous housing.

16. On January 9, 2025, a tenant of Arbor One Apartments was found deceased in her apartment. She was fifty-two (52) years old.

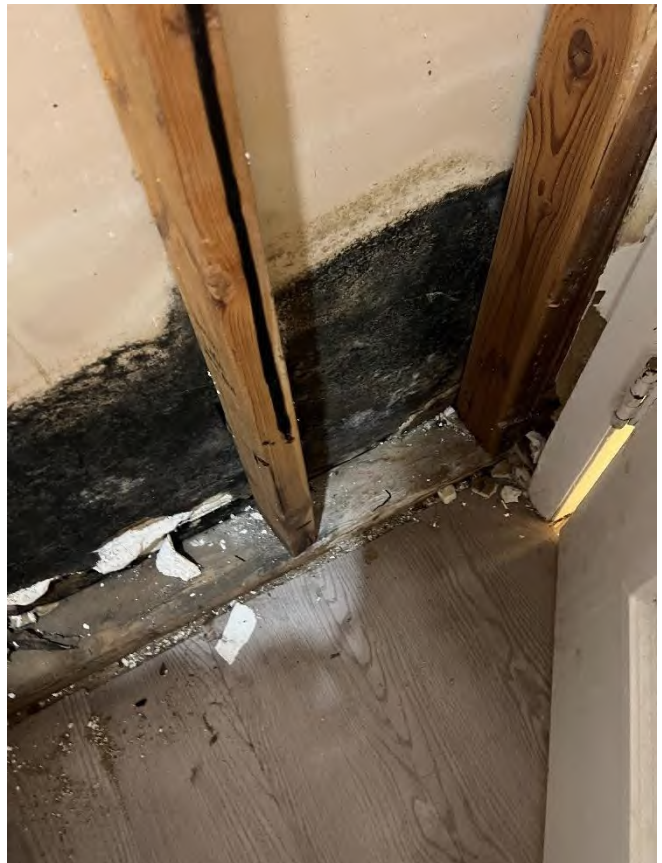
- a. In the months before she died, she was living in a dangerous and unsafe home.

- b. On October 21, 2024, the City inspected her apartment – her home – and found multiple violations of City Code.
- c. On January 3, 2025, the City condemned the unit due to dangerous conditions such as mold, water damage, and exposed electrical wiring, and ordered Defendants to relocate the tenant to a unit having a certificate of compliance, or to another compliant residential unit off the project premises.
- d. Defendants failed, neglected, or refused to relocate this tenant to a safe home that was legal to occupy.
- e. It is uncertain whether her death was related to the conditions at Arbor One Apartments.
- f. What is certain is that this was her home in the weeks before she died:

Exhibit 5



Exhibit 6



17. Housing and consumer protection laws exist for a reason.
18. This is an action for preliminary and permanent injunctions to repair the property, for the appointment of a receiver given Defendants' continuing failures to maintain the property and Defendants' continuing defiance of City orders to do so, as well as for actual, statutory, and exemplary damages, interest, penalties, costs, attorneys' fees, and other relief.

ARBOR ONE APARTMENTS

19. Arbor One Apartments is a complex of 19 separate buildings that have approximately 474 rental homes with addresses on Green Road, Clark Road, and Leforge Road, in the City of Ypsilanti.
 - a. The "Arbor One" rental brand includes Arbor One Townhomes that are outside of the City of Ypsilanti, that are in Ypsilanti Charter Township, across Leforge Road from Arbor One Apartments.
 - b. Arbor One Townhomes are not presently at issue in this initial complaint.
 - c. However, Ypsilanti Charter Township is scheduling inspections of Arbor One Townhomes, and Defendants are seeking to delay those inspections.
 - d. Additional factual development regarding Arbor One Townhomes is pending.
20. Within the City of Ypsilanti, the 19 buildings of Arbor One Apartments are located on three parcels of land with the following groups of buildings: (1) Arbor One North; (2) Arbor One South; and (3) Arbor One West.

21. Arbor One North is located on a tract of land with Parcel Number 11-11-05-100-001

with the following building addresses:

720 Green Road	721 W. Clark Road	1431 Leforge Road
772 Green Road	773 W. Clark Road	1433 Leforge Road

Exhibit 7 – Arbor One North – Parcel Map



Exhibit 8 – Arbor One North – Parcel Report

Washtenaw County Parcel Report

Parcel ID: 11-11-05-100-001

Report Generated: 1/21/2025

PIN: 11-11-05-100-001
Property Address: 772 GREEN RD
 YPSILANTI, MI 48198
CVT Code: 11
CVT Description: CITY OF YPSILANTI
School: 81020, YPSILANTI PUBLIC SCHOOLS
Property Class: 201, COMMERCIAL

Principal Residence Exemption (PRE) %: 0%

Owner Information:

Owner: ARBOR ONE 18 LLC
Address: 23 N. WASHINGTON
 YPSILANTI, MI 48197

Values:

Assessed Value: 5,985,000 **SEV:** 5,985,000 **Drain Assessment (not including drain debts) (last 3 years):**

Capped Value: 3,023,587 **Taxable Value:** 3,023,587 **Year** **Drain Name** **Amount**

Sales (last 3 max):

Date	Sale Price	Type
8/31/2012	0	SHERIFF DEED
10/30/2000	3100000	WARRANTY DEED
4/17/1979	0	WARRANTY DEED

Tax Description:

*OLD SID - 11 11-400-001-00 YP CITY 39AW-1 LOT 1 NEWTON ACRES SUBDIVISION.

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Washtenaw County Equalization Department: (734) 222-6662 / Office of the Washtenaw County Water Resource Commissioner: (734) 222-6860

Exhibit 10 – Arbor One South – Parcel Report

Washtenaw County Parcel Report

Parcel ID: 11-11-05-100-007

Report Generated: 1/21/2025

PIN: 11-11-05-100-007
Property Address: 799 GREEN RD
 YPSILANTI, MI 48198

CVT Code: 11
CVT Description: CITY OF YPSILANTI
School: 81020, YPSILANTI PUBLIC SCHOOLS
Property Class: 201, COMMERCIAL

Principal Residence Exemption (PRE) %: 0%

Owner Information:

Owner: VTP ARBOR ONE LLC
Address: 920 E COUNTY LINE RD SUITE 103
 LAKEWOOD, NJ 08701

Values:

Assessed Value: 6,014,300 **SEV:** 6,014,300 **Drain Assessment (not including drain debts) (last 3 years):**

Capped Value: 3,813,318 **Taxable Value:** 3,813,318

Year	Drain Name	Amount

Sales (last 3 max):

Date	Sale Price	Type
8/31/2020	30427940	OTHER
3/24/1971	0	LAND CONTRACT
5/12/1966	0	WARRANTY DEED

Tax Description:

REWRITE PER DEED L4794 P969 YP CITY 1W-381 COM AT NE COR SEC 5, TH S 00-49-00 W 620.40 FT TO A POB, TH CONT S 00-49-00 W 402.60 FT, TH DUE W 577.00 FT, TH N 00-49-00 E 267.00 FT, TH DUE W 62.00 FT, TH N 00-49-00 E 135.60 FT, TH DUE E 639.00 FT TO THE POB, EXC THE E'LY 43 FT THEREOF. PT OF NE 1/4 SEC 5, T3S-R7E.

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Washtenaw County Equalization Department: (734) 222-6662 / Office of the Washtenaw County Water Resource Commissioner: (734) 222-6860

23. Arbor One West is located on a tract of land with Parcel Number 11-11-05-100-006

with the following building addresses:

815/817 Green Road	835/837 Green Road	847/849 Green Road
823/825 Green Road	841/843 Green Road	853/855 Green Road
829/831 Green Road		

Exhibit 11 – Arbor One West – Parcel Map

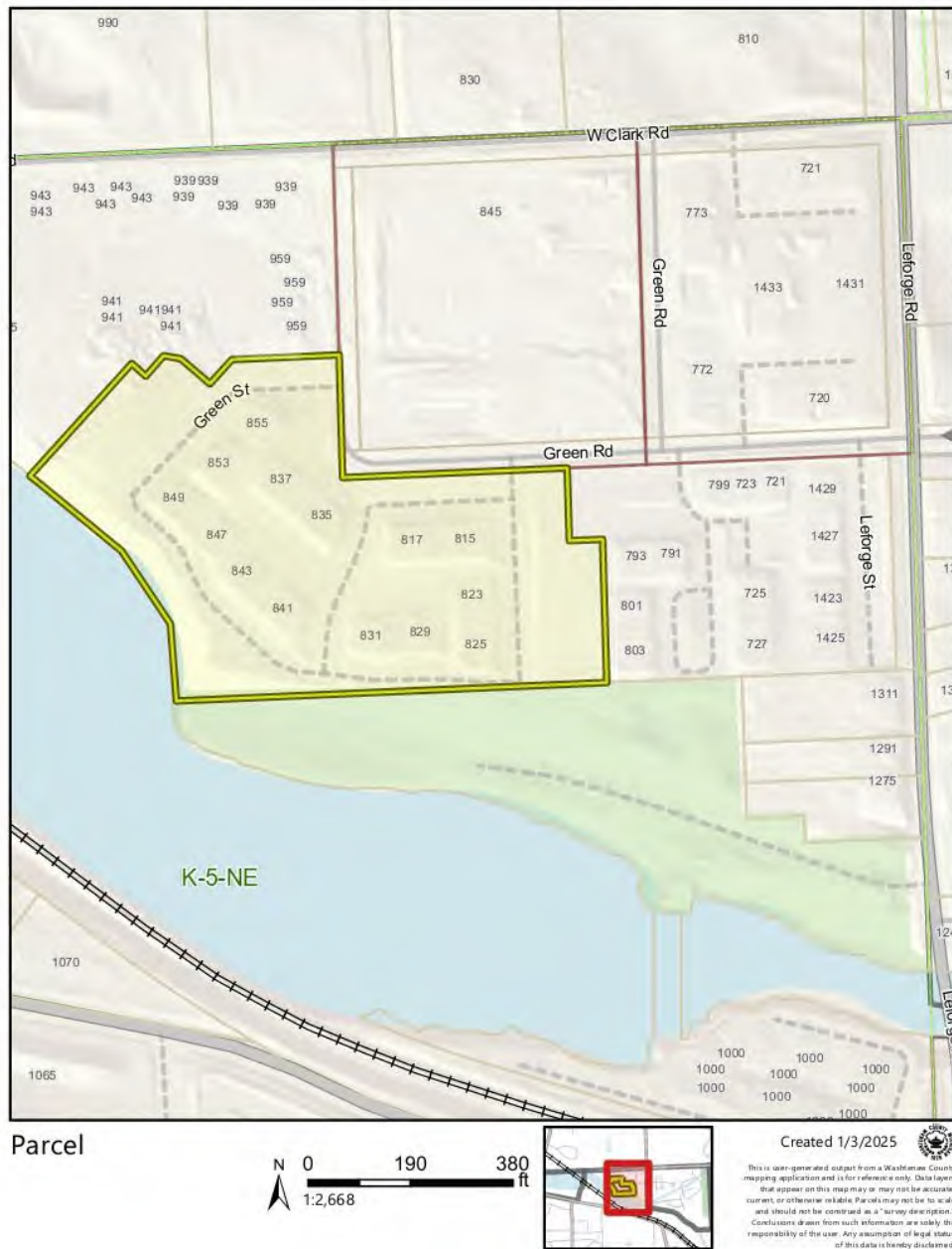


Exhibit 12 – Arbor One West – Parcel Report

Washtenaw County Parcel Report

Parcel ID: 11-11-05-100-006

Report Generated: 1/21/2025

PIN: 11-11-05-100-006
Property Address: 831 GREEN RD
 YPSILANTI, MI 48198

CVT Code: 11
CVT Description: CITY OF YPSILANTI
School: 81020, YPSILANTI PUBLIC SCHOOLS
Property Class: 201, COMMERCIAL

Principal Residence Exemption (PRE) %: 0%

Owner Information:

Owner: VTP RIVER WOODS LLC
Address: 920 E COUNTY LINE RD SUITE 103
 LAKEWOOD, NJ 08701

**Values:**

Assessed Value: 6,020,500 **SEV:** 6,020,500 **Drain Assessment (not including drain debts) (last 3 years):**
Capped Value: 4,852,470 **Taxable Value:** 4,852,470

Sales (last 3 max):

Date	Sale Price	Type
5/12/2022	14800000	OTHER
8/30/2019	0	WARRANTY DEED
5/29/1998	1650000	WARRANTY DEED

Tax Description:

REWRITE PER QCD L3918 P382 YP CITY 1W-381A COM AT NE COR OF SEC 5, TH W 1056.00 FT ALONG N LINE OF SEC. TH S 00-49-00 W 391.71 FT TO A POB, TH CONT S 00-49-00 W 228.69 FT, TH E 417.0 FT, TH S 00-49-00 W 135.60 FT, TH E 62.00 FT, TH S 00-49-00 W 267.00 FT, TH W 799.20 FT, TH N 01-59-30 W 144.08 FT, TH N 31-15-00 W 163.19 FT, TH N 47-59-30 W 191.98 FT, TH N 48-36-30 W 28.13 FT, TH N 44-30-00 E 282.0 FT, TH S 45-30-00 E 35.00 FT, TH N 43-18-31 E 50.28 FT, TH S 77-17-35 E 32.40 FT, TH S 46-58-19 E 71.53 FT, TH N 44-30-00 E 60.83 FT, T

This report is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Washtenaw County Equalization Department: (734) 222-6662 / Office of the Washtenaw County Water Resource Commissioner: (734) 222-6860

PARTIES

24. Plaintiff State of Michigan is acting through (“*ex rel.*”) the duly elected Washtenaw County Prosecutor, pursuant to the Prosecutor’s constitutional, statutory, and common law authority. See, e.g., Const 1963, art 7, § 4; MCL 49.153; MCL 445.915. Prosecuting attorneys are expressly empowered to “appear for the state or county and prosecute or defend in all the courts of the county, all prosecutions, suits, applications, and motions whether civil or criminal, in which the state or county may be a party or interested.” MCL 49.153. The Michigan Consumer Protection Act provides prosecuting attorneys the authority to protect consumers. MCL 445.915 (“A prosecuting attorney may conduct an investigation pursuant to this act and may institute and prosecute an action under this act in the same manner as the attorney general.”). Prosecuting attorneys also have authority to file a civil lawsuit to abate a public nuisance. See, e.g., *Wayne Co Executive v Acorn Inv Co*, unpublished per curiam opinion of the Court of Appeals, issued Jan. 4, 2005, (Docket Nos. 248925, 248926, 248927, 248928), p. 4 (“It is clear from the plain language of MCL 49.153 that the prosecutor ha[s] standing to prosecute and initiate a cause of action to enforce state abatement and nuisance actions.”).

25. Plaintiff City of Ypsilanti is a municipal corporation located in Washtenaw County, Michigan, whose population exceeds 10,000 persons as of the last census and is entitled to all the powers afforded to home rule cities under the Michigan Constitution, the laws of the State of Michigan, and the City’s Charter. The City has exercised its constitutional and statutory authority to define and forbid public nuisances. See Const. 1963, art. 7, § 22 (home rule powers); MCL 117.3(j) (providing for public peace,

health, and safety); City Code, § 42-31 (“Definitions”). “It is well established that nuisance abatement, as a means to promote public health, safety, and welfare, is a valid goal of municipal police power.” *Rental Prop Owners Ass'n of Kent Co v City of Grand Rapids*, 455 Mich 246, 254; 566 NW2d 514, 518 (1997). The City is the “[e]nforcing agency . . . charged with responsibility for administration and enforcement of” the Housing Law of Michigan. MCL 125.402a.

Real Estate Operators from New Jersey

26. Defendant ValleyTree Partners LLC is a foreign, New Jersey limited liability company (NJ ID No. 0450333665) that designated Samuel Rosenthal of 30 Sea Point Drive, Lakewood, NJ 08701, as its registered agent, and designated 920 E. County Line Road, Suite 103, Lakewood, NJ 08701, as its registered office. Samuel Rosenthal of 30 Sea Point Drive, Lakewood, New Jersey, 08701, and Yaakov Nusbaum of 17 Noam Lane, Lakewood, NJ 08701, are the designated members/managers of Defendant ValleyTree Partners LLC.

- a. “ValleyTree Partners” is the listed contact for and operator of Arbor One Apartments on the Arbor One website’s home page and contact page. *Upscale Living at Arbor One*, Website for Arbor One Apartments & Townhomes, *arboroneypsilanti.com* (last visited Feb. 6, 2025); *Contact Us*, Website for Arbor One Apartments & Townhomes, <https://www.arboroneypsilanti.com/contactus> (last visited Feb. 6, 2025).
- b. “ValleyTree Partners” is the listed manager for Arbor One Apartments on public rental listings. *Arbor One*, <https://www.rent.com/michigan/ypsilanti-apartments/arbor-one-4-466612> (last visited Feb. 6, 2025) (verified listing of

apartments currently available to rent that are “managed by Valley Tree Partners”); *Arbor One Apartments*, <https://www.homes.com/property/arbor-one-apartments-ypsilanti-mi/srwgq60lbzpel/> (last visited Feb. 6, 2025) (listing Valley Tree Partners as the landlord to message).

Owners of Arbor One North and Arbor One South
Per 2020 Covenant Deed

27. Defendant VTP A1 LP is a foreign, Delaware limited partnership (MI ID No. 802499832, DE No. 3325085) that designated VCorp Services, LLC of 40600 Ann Arbor Road E, Suite 201, Plymouth, MI 48170, as its resident agent, and designated 920 E. County Line Road, Suite 103, Lakewood, NJ 08701, as its registered office. Defendant VTP A1 LP registered to transact business in Michigan in the name of “VTP A1 Limited Partnership.” As of January 10, 2025, Defendant VTP A1 LP was not in good standing in the State of Delaware.

- a. On August 5, 2020, Samuel Rosenthal signed the Application for Registration to Transact Business in Michigan on behalf of Defendant VTP A1 LP, as a member of Defendant VTP Arbor GP LLC.
- a. On August 31, 2020, Arbor One 18, LLC transferred ownership of Arbor One North and Arbor One South to Defendant VTP A1 LP. Covenant Deed, WCROD Doc. No. 6551900, Aug. 31, 2020 (recorded Nov. 3, 2020) (also transferring Arbor One Townhomes in Ypsilanti Township) (“Attachment A”).
- b. On May 19, 2022, Defendant VTP A1 LP filed a Certificate of Assumed Name to transact business as “Arbor One Apartments.”

28. Defendant VTP Arbor GP LLC is the designated general partner of Defendant VTP A1 LP. Defendant VTP GP LLC is a foreign, Delaware limited liability company (DE No.

3325115) that designated VCorp Services, LLC of 108 W. 13th Street, Suite 100, Wilmington, DE 19801, as its resident agent. As of January 10, 2025, Defendant VTP Arbor GP LLC was not in good standing in the State of Delaware.

- a. On August 5, 2020, Samuel Rosenthal signed the Application for Registration to Transact Business in Michigan on behalf of Defendant VTP A1 LP, as a member of Defendant VTP Arbor GP LLC.

29. Defendant VTP Arbor JV LP is the designated limited partner of Defendant VTP A1 LP. Defendant VTP Arbor JV LP is a foreign, Delaware limited partnership (DE No. 3325040) that designated VCorp Services, LLC of 108 W. 13th Street, Suite 100, Wilmington, DE 19801, as its resident agent. As of January 10, 2025, Defendant VTP Arbor JV LP was not in good standing in the State of Delaware.

Additional Owner of Arbor One North and Arbor One South
Per 2022 Property Transfer Affidavit

30. Defendant VTP Arbor One LLC is a foreign, Delaware limited liability company (DE No. 7780329) that designated VCorp Services, LLC of 108 W. 13th Street, Suite 100, Wilmington, DE 19801, as its resident agent. As of January 10, 2025, Defendant VTP Arbor One LLC was not in good standing in the State of Delaware.

- a. On January 2, 2020, Samuel Rosenthal signed the Application for Certificate of Authority to Transact Business in Michigan as a member of Defendant VTP Arbor One LLC.
- b. Samuel Rosenthal signed a Property Transfer Affidavit that designated Defendant VPT Arbor One LLC as the buyer of Arbor One North and Arbor One South (affidavit filed on November 16, 2022, for the August 31, 2020 transfer).

- c. Defendant VTP Arbor One LLC is listed as the Certificate Holder on Certificates of Compliance & Occupancy that the City issued and later revoked for buildings in Arbor One North and Arbor One South. See, e.g., Certificate for 720 Green Rd., Oct. 6, 2023; Certificate for 721 Green Rd., Oct. 6, 2023.

Owner of Arbor One West
Per 2022 Covenant Deed & 2022 Property Transfer Affidavit

31. Defendant VTP River Woods, LLC is a foreign, Delaware limited liability company (MI No. 802807700, DE No. 6612292) that designated VCorp Services, LLC of 108 W. 13th Street, Suite 100, Wilmington, DE 19801, as its resident agent. As of January 10, 2025, Defendant VTP River Woods, LLC was not in good standing in the State of Delaware.

- a. On February 11, 2022, Samuel Rosenthal signed the Application for Certificate of Authority to Transact Business in Michigan as a member of Defendant VTP River Woods, LLC.
- b. On May 12, 2022, The Park at River Woods LP transferred ownership of Arbor One West to Defendant VTP River Woods, LLC. Covenant Deed, WCROD Doc. No. 6651122, May 12, 2022 (recorded May 26, 2022) (“Attachment B”).
- c. Samuel Rosenthal signed a Property Transfer Affidavit that designated Defendant VTP River Woods, LLC as the buyer of Arbor One West (affidavit filed on November 16, 2022, for the May 12, 2022 transfer).
- d. Defendant VTP River Woods, LLC is listed as the Certificate Holder on Certificates of Compliance & Occupancy that the City issued and later revoked for buildings in Arbor One West. See, e.g., Certificate for 815 Green Rd., Oct. 6, 2023.

- e. On February 6, 2024, Defendant VTP River Woods, LLC filed a Certificate of Assumed Name to transact business as “Arbor West.”

Individual Defendants

32. Defendant Samuel Rosenthal is an owner, member, and manager of ValleyTree Partners and its associated business entities, and is responsible for and has control over the renting, operation, management, and maintenance of Arbor One Apartments.

- a. Defendant Rosenthal has had personal involvement with and notice of issues at Arbor One Apartments.
- b. According to public records, Defendant Rosenthal resided in New Jersey at 5 Churchill Court, Jackson, NJ 08527 at relevant times, and currently resides at 29 Shady Lane Drive, Lakewood, NJ 08701 (per property ownership records) and/or 30 Sea Point Drive, Lakewood, NJ 08701 (per Certificate of Reinstatement of ValleyTree Partners, Jan. 2, 2024).

33. Defendant Yaakov (“Jack”) Nusbaum is an owner, member, and manager of ValleyTree Partners and its associated business entities, and is responsible for and has control over the renting, operation, management, and maintenance of Arbor One Apartments.

- a. Defendant Nusbaum has had personal involvement with and notice of issues at Arbor One Apartments.
- b. According to public records, Defendant Nusbaum resides at 17 Noam Lane, Lakewood, NJ 08701.

34. Defendant Amy Vujnov is an agent and/or employee of ValleyTree Partners in the role of Regional Property Manager and was responsible for and has control over the renting,

operation, management, and maintenance of Arbor One Apartments. According to Defendant ValleyTree Partners, LLC, on January 31, 2025, Defendant ValleyTree Partners, LLC removed Defendant Vujnov from her Arbor One Apartments assignment and has relocated her to other work.

- a. Defendant Vujnov has had personal involvement with and notice of issues at Arbor One Apartments.
- b. According to public records, Defendant Vujnov resides at 9066 Nathaline Avenue, Redford, MI 48239.

JURISDICTION

35. This Court has subject matter jurisdiction. See Const 1963, art. 6, § 13 (“circuit court shall have original jurisdiction in all matters not prohibited by law”); Revised Judicature Act of 1961, MCL 600.601 (circuit court power and jurisdiction), MCL 600.605 (circuit court original jurisdiction), MCL 600.2940 (“All claims based on or to abate nuisance may be brought in the circuit court.”); Michigan Consumer Protection Act, MCL 445.905 (“The action may be brought in the circuit court of the county where the defendant is established or conducts business”), MCL 445.910, MCL 445.911; Housing Law of Michigan, 125.534 (“enforcing agency may bring an action”), 125.535 (“the court may appoint a receiver”); Michigan Court Rules, MCR 2.605(A)(2) (same jurisdiction for declaratory judgments as other claims at issue); see also, *City of Southfield v Shefa, LLC*, 340 Mich App 391, 407; 986 NW2d 607 (2022) (claims of nuisance and dangerous buildings, and requests for receivership may be brought in circuit court).

36. This Court has general personal jurisdiction over defendant business entities because the ownership, operation, and/or management of Arbor One Apartments is the “carrying on of a continuous and systematic part of [their] general business within the state.” MCL 600.711(3) (corporations); MCL 600.721(3) (partnerships and limited partnerships). This Court has general personal jurisdiction over Defendant Vujnov because her domicile is in Michigan. MCL 600.701(2).
37. In addition, this Court has limited personal jurisdiction over all Defendants because they transacted business within the state; owned, used, or possessed real property within the state; and entered into contracts for services to be performed in the state. MCL 600.715(1), (3), (5) (corporations); MCL 600.725(1), (3), (5) (partnerships); MCL 600.705(1), (3), (5) (individuals).
38. In addition, this Court has limited personal jurisdiction over Individual Defendants because they acted as a director, manager, trustee, or other officer of the ValleyTree Partner subsidiary business entities (e.g., VTP River Woods LLC) that have their principal place of business at Arbor One Apartments within the state. MCL 600.705(6).
39. This Court has jurisdiction over Arbor One Apartments because it is real property situated within the state. MCL 600.751; see also *City of Southfield v Shefa, LLC*, 340 Mich App 391, 414; 986 NW2d 607 (2022) (“causes of action involving . . . appointment of a receiver over real property are considered in rem”).
40. Venue is proper in this Court because Arbor One Apartments are in the City of Ypsilanti in the County of Washtenaw, and this case involves the determination of rights or interests in real property. All Defendants conduct business in Washtenaw County; both Plaintiffs reside in Washtenaw County; and this is the County where the

injury occurred, and Defendants have a place of business. MCL 600.1605(a); MCL 600.1621(a), (b); MCL 600.1629(1); MCL 600.1641(1).

41. The principal place of business of each business entity specific to Arbor One Apartments (Defendants VTP A1 LP, VTP Arbor GP LLC, VTP Arbor JV LP, VTP Arbor One LLC, and VTP River Woods, LLC) is at the Arbor One Apartments in the City of Ypsilanti.

- a. Therefore, for federal diversity jurisdictional purposes, these Defendants are citizens of both Delaware and of Michigan.
- b. In any event, further buttressing exclusive state-court jurisdiction over this matter, Plaintiff Prosecuting Attorney is acting on behalf of (*ex rel.*) the People of the State of Michigan. *Hood v F Hoffman-La Roche, Ltd*, 639 F Supp 2d 25, 33 (DDC, 2009) (“where a state is a party, there can be no federal jurisdiction on the basis of diversity of citizenship because a state is not a citizen for purposes of diversity jurisdiction” (internal citations and quotation marks omitted)).

LEGAL BACKGROUND FOR REPAIRS OF RESIDENTIAL RENTAL PROPERTY

State Law – Covenants of Fitness and Habitability

42. Every lease for residential rental property in the State of Michigan includes the following statutory Covenants of Fitness and Habitability:

- (a) That the premises and all common areas are fit for the use intended by the parties.
- (b) To keep the premises in reasonable repair during the term of the lease or license, and to comply with the applicable health and safety laws of the state and of the local unit of government where the premises are located, except when the disrepair or violation of the applicable health or safety laws has

been caused by the tenants wilful or irresponsible conduct or lack of conduct.

MCL 554.139(1).

43. These are affirmative, statutory duties to follow state and local health and safety laws (see Housing Law of Michigan, *infra*, and City Code, *infra*), to keep rental homes in reasonable repair, and to provide a space fit for a family to call home.

State Law – Michigan Anti-Lockout Act

44. State law prohibits landlords (owners and agents of owners) from removing or keeping out any person in a forcible and unlawful manner. Revised Judicature Act of 1961, MCL 600.2918(1) (“Michigan Anti-Lockout Act”).
45. This law also prohibits unlawfully interfering with a tenant’s possessory interest through a variety of means, including but not limited to:

Causing, by action or omission, the termination or interruption of a service procured by the tenant or that the landlord is under an existing duty to furnish, which service is so essential that its termination or interruption would constitute constructive eviction, including heat, running water, hot water, electric, or gas service.

MCL 600.2918(2)(f); see also MCL 600.2918(e) (removal of locks); MCL 600.2918(2)(g) (introduction of a nuisance).

State Law – Housing Law of Michigan

46. The purpose of the Housing Law of Michigan is “to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings.” Preamble, Housing Law of Michigan, Act 167 of 1917.
47. To accomplish this purpose, the Housing Law of Michigan enumerates affirmative requirements and prohibitions, and the statute provides for enforcement mechanisms

with remedies and penalties—the law provides “the minimum requirements adopted for the protection of health, welfare and safety of the community.” MCL 125.408.

48. The Housing Law’s affirmative requirements for landlords include but are not limited to: keeping plumbing, heating, ventilating and electrical wiring in good repair. MCL 125.471.

49. The Housing Law’s prohibitions for landlords include but are not limited to: maintaining housing that is dangerous to human life, and maintaining housing that is detrimental to health—housing that is maintained in violation of these standards is defined as an illegal nuisance. MCL 125.402(18).

50. The Housing Law of Michigan provides a consistent statewide floor of minimum protections for residents. The Housing Law, however, explicitly authorizes cities to enact ordinances and regulations “imposing requirements *higher* than the minimum,” and further authorizes cities “to prescribe for their enforcement,” along with an explicit non-preemption provision deferring to any such higher requirements. MCL 125.408 (emphasis added).

51. The City of Ypsilanti has done precisely this—imposed higher requirements and provided more powerful enforcement mechanisms—to provide further protections for “the health, safety and welfare of” the People of Ypsilanti. Preamble, Housing Law of Michigan, Act 167 of 1917.

City of Ypsilanti – Property Maintenance Code

52. The City of Ypsilanti adopted the comprehensive and detailed International Property Maintenance Code, 2018 edition, as the Property Maintenance Code for the City “to

ensure that structures are safe, sanitary and fit for occupation and use.” City Code, § 18-91; see also City Code, § 18-92.

City of Ypsilanti – Inspection and Control of Certain Buildings

53. In addition, the City prescribed measures to promote enforcement of these requirements that include but are not limited to: requiring Certificates of Compliance for residential rental homes. City Code, § 18-146.

Certificate of compliance means an official document titled "certificate of compliance" issued by the city building inspection department for a multiple dwelling or one-or two-unit rental dwelling indicating that the covered unit(s) identified thereon are in compliance with all applicable provisions of this Code, particularly the property maintenance code and the fire prevention code.

City Code, § 18-111.

City of Ypsilanti – Landlord and Tenant Relations

54. Mirroring state law, *supra*, the City also requires every lease to have the Covenants of Fitness and Habitability. City Code, § 58-122.

55. The City Code prescribes additional measures to protect the health and safety of tenants, first making it explicit that: “Any residential premises failing to have a valid certificate of compliance from the city building inspection department is not in compliance with the health and safety laws of the city.” City Code, § 58-122(a)(2).

56. Moreover, the City Code prohibits landlords from obligating tenants to pay rent for times when the landlord is violating the Covenants of Fitness and Habitability and/or the landlord does not have a Certificate of Compliance: “No lessee or licensee shall be obligated to pay rent for any time period that the lessor or licensor is in violation of this section. Such violation shall be a complete defense for any lessee or licensee sued for

nonpayment of rent for such period.” City Code, § 58-122(d) (enacted through City of Ypsilanti Ordinance No. 854 on May 6, 1997 (“Attachment C”).

Contract – Promises to Repair

57. An example of a contractual repair provision from a VTP River Wood LLC lease using boilerplate language from the National Apartment Association, Inc. follows:

RESPONSIBILITIES OF OWNER. We’ll act with customary diligence to:

- (1) keep common areas fit for the uses intended, subject to paragraph 26 (Conditions of the Premises and Alterations);
- (2) maintain provided appliances, fixtures, furniture, hot water, heating and A/C equipment;
- (3) comply with applicable federal, state, and local laws regarding safety, sanitation, and fair housing; and
- (4) make all reasonable repairs subject to your obligation to pay for damages for which you are liable.

FACTS

Fire-Damaged Building – February 2024

58. On February 7, 2024, during the early morning hours, a fire broke out at 773 Clark Road, a building in Arbor One North, leaving multiple burnt-out rental homes and the need to vacate all 24 rental homes in the building.

59. On April 12, 2024, over two months later, Defendants requested a permit to demolish and rebuild the fire-damaged apartments. Building Permit & Plan Review Application, City of Ypsilanti Building Department, 24-0103, Apr. 12, 2024 (“Attachment D”).

- a. This demolition permit application included a Hazardous Materials Report that documented that “white mud joint compound on drywall,” “black sink undercoating,” and “black caulk” contained asbestos. *Asbestos-Containing Material Building Inspection Report*, Environmental Resources Group, at 4, Apr. 3, 2024, Att. D.

b. “Drywall, contaminated by ACM drywall joint compound, must also be considered ACM.” *Id.* at 5.

c. The “Quantity of ACM” in the building was all 92,136 square feet of drywall. *Id.* at 9.

60. Shortly thereafter, Defendants’ contractor canceled the permit and resigned from the project without beginning work.

Fire Department Discovers Other Issues – July 2024

61. On July 21, 2024, the City’s fire department responded to a fire alarm in an apartment unit at 720 Green Road, a building in Arbor One North.

62. Upon their arrival, fire department personnel discovered that the alarm was malfunctioning, and also observed significant water damage and mold growth on the walls and kitchen cabinets in the unit.

63. The tenant of the affected unit advised fire department personnel that he had been requesting relocation within the complex due to the unlivable conditions observed in the unit, but that management, specifically Defendant Amy Vujnov, had refused the relocation request.

64. Upon request of the fire department, the City’s Building Department Manager visited the 720 Green Road building and inspected same, and then intervened with Defendant Vujnov to require immediate relocation of the affected tenant.

Defendants Began Work Disturbing Asbestos Containing Material Without a Permit – July 2024

65. Because of the fire department-initiated visit to Arbor One Apartments, the City’s Building Department Manager also observed that demolition work was being performed at 773 Green without required permits.

- a. This was the building that once had a demolition permit that had identified Asbestos Containing Material—and the original contractor had cancelled that permit.
- b. A new contractor had begun work on a building with identified Asbestos Containing Materials without applying for, let alone receiving, a permit.
- c. Defendants’ new contractor disturbed Asbestos Containing Materials without appropriate safeguards and protocols in place.

66. Upon the City’s Building Department Manager confronting the contractor to direct that all demolition work immediately cease because of the lack of a permit, the contractor nonchalantly said words to the effect of: “I guess you’re here because of all the asbestos.”

67. On August 7, 2024, Defendants applied for a permit to perform interior demolition work on the fire-damaged rental homes.

68. Despite this second permit application, as of the date of filing this complaint, no further work appears to have been done on this building, and the building remains visibly fire-damaged and vacant.

Extensive Dangerous Conditions and Code Violations – Beginning July 2024 to Present

69. The City began inspecting the exterior and interior of each building and rental at Arbor One Apartments, thereafter issuing numerous corrective action notices to Defendants identifying the following sampling of violations:

- a. Performing demolition work at 773 Green Road without a permit, corresponding disposal of asbestos without required licenses, permits and safeguards, and retention of resulting debris on site.

- b. Damage/deterioration of the roof and roofing materials.
- c. Broken and/or missing windows and window screens.
- d. Missing/damaged siding, paint, and/or other exterior protective materials.
- e. Damaged/unsecure exterior entry doors, permitting trespassers to freely enter buildings.
- f. Damaged/unsecure interior and exterior entry doors to utility/boiler rooms.
- g. Severe and unmitigated long-term infestation of vermin.
- h. Gaps/holes in exterior walls.
- i. Deteriorating/poorly repaired exterior brickwork.
- j. Leaking/rusted/broken pipes/drains/fixtures.
- k. Permitting unauthorized occupancy in utility rooms and under stairwells.
- l. Furnaces and boilers are in poor or inoperable condition, or otherwise repaired/installed without required permits or inspections.
- m. Damaged air conditioning units.
- n. Water damage and mold growth/accumulation in rental units.
- o. Damaged/inoperable heating registers in rental units.
- p. Permitting use of space heaters and stoves as ambient heat source within rental units.
- q. Accumulation of trash, debris, combustibles, human and animal waste, and food waste.
- r. Lack of working utilities.
- s. Damaged and/or nonfunctioning smoke detectors.
- t. Loose/exposed/hanging high and low voltage wires.

- u. Allowing unauthorized occupancy of vacant units.
- v. Work being performed without required permits or inspections.
- w. Incomplete repairs, including open drywall, and improper water, mold, and sewage remediation.
- x. Buckling flooring.
- y. Damaged or missing fixtures.
- z. Holes in fire wall barriers.
- aa. Caulking being used to seal exterior brick mortar joints and large holes in siding, rather than using proper materials and workmanship.
- bb. Brick sealing of an exterior wall at 815 Green Road such that exhaust from heating units is unable to ventilate to the outside air.
- cc. Offering units for rental without a valid Certificate of Compliance and without advising prospective tenants of the foregoing conditions being present.

No Certificates of Compliance and City Enforcement – September-October 2024

70. Since February 7, 2024, due to the unresolved fire damage, the building at 773 Clark Road does not have a Certificate of Compliance. This building does appear to be vacant.

71. On September 1, 2024, Defendant Owner allowed a Certificate of Compliance regarding the building at 721 Green to expire without making any efforts at renewal, including failing to schedule re-inspections as required by law. MCL 125.526; City Code, § 18-151.

72. On September 17, 2024, the City cited numerous unresolved exterior violations noted in earlier inspection reports and affecting 17 buildings located at Arbor One Apartments.

a. At the time of inspection, Defendant Vujnov admitted that no work had been done to correct the violations, prohibited re-inspection, and insisted that City officials immediately leave Arbor One Apartments.

73. On September 17, 2024, as directed by the City's ordinances, the City revoked the Certificates of Compliance previously issued to Arbor One Apartments upon issuance of the Exterior Citations. City Code, § 18-149 ("the certificate shall be immediately suspended").

74. On October 28, 2024, Defendants appeared before the City's Administrative Hearings Bureau, and after evidentiary hearings thereon, the hearings officer found Defendants responsible for each of the Exterior Citations.

75. In addition, the City has issued corrective action notices affecting the building interior conditions for every building at Arbor One Apartments.

76. Subsequent meetings and communications among representatives of Defendants and the City produced no resolution to the issues cited in the Exterior Citations and interior inspection reports, which were provided to Defendants.

Dangerous Conditions and Initial Condemnation Notices – December 2024

77. On December 6, 2024, while on-site to inspect permitted roof repairs affecting two buildings at Arbor One Apartments, the City's Building Official observed entry doors to eight of the buildings to be unsecured while outdoor temperatures were at or below freezing.

78. Upon entering the buildings, the Building Official identified the conditions referenced above in the common areas and units within those buildings, including indicia of more extensive insect and mold infestation than previously observed during earlier inspections, interior temperatures below sixty degrees Fahrenheit, and tenants forced to use their stoves and/or space heaters as ambient heat sources for their units due to lack of heat.

79. On December 9, 2024, based on these dangerous conditions, the City condemned eight buildings (192 units) in Arbor One North and Arbor One West as unfit for human habitation.

- a. The City required Defendants to produce a capital improvement plan for Arbor One Apartments as a whole within three business days.
- b. Depending on Defendants' actions and responses, the buildings and each unit therein may be "red tagged"—meaning that they would be prohibited from occupancy because they are unsafe for human habitation.

80. On December 13, 2024, upon demand by the City, Defendants produced to the City what it contended to be a capital improvement plan ("Proposed CIP") under which Defendants indicated how they intended to resolve the issues at Arbor One Apartments, including its proposed plan for repairing and restoring each of the buildings to habitable, code compliant status by July 2025 at a rate of at least three buildings per month for six months.

81. Upon receipt and full review of the Proposed CIP, the City officials determined it unsustainable and further concluded that it failed to sufficiently address or effectively prioritize correction of critical issues that had been identified in the inspection reports,

and failed to provide a workable or acceptable timeline for completing those repairs, including but not limited to the following:

- a. No contract regarding significant plumbing repairs required throughout the Arbor One Apartments was attached or appears to have been sought.
- b. The door replacement quotes relate to only ten of the buildings.
- c. The exterior repair quotes cover only sixteen of eighteen buildings.
- d. None of the quotes address required permits, flooring or fixture replacements, or any indication that any materials have been ordered.
- e. The pest remediation and management proposal offered addressed only cockroaches, and not also eradication and prevention of bed bug infestations.

82. Separately, of the nearly four dozen copies of invoices and unsigned estimates from National Glass submitted, they were largely outdated, duplicative, or unrelated to Arbor One Apartments, with only 10 reflecting work completed in response to the Exterior Citations.

83. Since submission of the Proposed CIP, Defendants have failed or refused to take reasonable steps to repair or remediate all the conditions cited above.

84. On December 16, 2024, Defendants failed to appear for a scheduled reinspection of a building at 721 Green Road in Arbor One South, prompting the City to issue additional citations to Defendants.

85. On February 7, 2025, based on dangerous conditions, the City condemned the remaining ten (10) buildings in Arbor One Apartments based on findings including but not limited to: unsafe equipment, structure unfit for human occupancy, unlawful structure, and dangerous structure or premises.

86. All 18 of the occupied buildings at Arbor One Apartments are now condemned.

- a. Depending on Defendants' actions and responses, the buildings and each unit therein may be "red tagged"—meaning that they would be prohibited from occupancy because they are unsafe for human habitation.

87. The conditions at Arbor One Apartments, including work and/or omission of work thereon, present an immediate threat to the health and safety of the residents and any persons visiting.

Unfair and Deceptive Business Practices – September 2024 to Present

88. Due to the revocation of the Certificates of Compliance (not to mention the condemnation notices), Defendants are prohibited from leasing to new tenants, requiring payment of rent, or relocating existing tenants to other rental homes at Arbor One Apartments or elsewhere that do not have a Certificate of Compliance.

89. Notwithstanding the revocations of the Certificates of Compliance and the condemnation actions, Defendants have continued to:

- a. Solicit prospective tenants and execute lease agreements with new tenants.
- b. Demand and/or collect rent from tenants and seek eviction of tenants for nonpayment of rent.
- c. Misrepresent Arbor One Apartments as fit for human habitation.
- d. Fail to disclose to tenants, prospective tenants, and referral agencies that Arbor One Apartments does not have a valid Certificate of Compliance, may not be lawfully occupied, and that tenants may be entitled to withhold or escrow rent.

90. Defendants have provided negative references and adverse information in background checks that have prevented families seeking to leave Arbor One Apartments from being able to find safe alternative housing.

History of Violent Activity and Extensive Police Involvement

91. Furthermore, for the two-year period from October 31, 2022 to October 31, 2024, the police have been called to Arbor One Apartments more than 775 times (on average, more than one time per day), for reported criminal activity, including but not limited to:

- a. Misdemeanor and felonious assault and battery (including domestic violence).
- b. Disturbing the peace.
- c. Disorderly conduct.
- d. Vehicle theft.
- e. Malicious destruction of property.
- f. Burglary/home invasion and property theft.
- g. Child neglect.
- h. Criminal sexual conduct.
- i. Gun shots fired.
- j. Murder.

Exhibit 13 – Door at Arbor One Apartments with Bullet Holes



COUNT I: PUBLIC NUISANCE IN FACT
(Both Plaintiffs v. All Defendants)

92. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

93. The common law prohibits public nuisance and provides remedies to address them.

“Public nuisance includes interference with the public health, the public safety, the public morals, the public peace, the public comfort, and the public convenience in travel.” *Bronson v Oscoda Twp*, 188 Mich App 679, 684; 470 NW2d 688, 690 (1991) (citations omitted).

94. Common law public nuisances include dangers to the general health, safety, and welfare of tenants in rental homes: “exposed live electrical wires, significant accumulations of trash and rubbish, insect and vermin infestations, falling bricks and windows, collapsing walls, and sanitary sewer leakages certainly pose[] substantial risks to the general health, safety, and welfare of the tenants.” *Ypsilanti Charter Twp v Kircher*, 281 Mich App 251, 276–77; 761 NW2d 761 (2008).

95. The conditions at Arbor One Apartments threaten the public health, safety, and welfare, including but not limited to:

- a. Exposed live electrical wires.
- b. Insect and vermin infestations, with extensive presence of cockroaches.
- c. Damaged and/or inoperable heating systems, with many tenants are forced to use their kitchen ovens and/or space heaters to stay warm.
- d. Damaged and inoperable smoke detectors in many rental homes and common areas.

- i. Arbor One Apartments has *already* experienced a catastrophic fire on February 7, 2024, which destroyed 24 units and forced primarily low-income residents out of their homes in the dead of a Michigan winter.
 - ii. Yet Defendants have failed to address the lack of heat that causes off-label use of alternative heat sources, and the lack of smoke detectors.
- e. Broken and/or leaking plumbing that creates water damage, and corresponding collapsing interior walls and ceilings, mold, mildew, and other potential health threats.
- f. The exterior condition exposes the buildings and residents to the elements.
- g. Insecure exterior doors, moreover, further exacerbate safety concerns in an environment with extensive criminal activity.
- i. Defendants have maintained conditions at Arbor One conducive to rampant criminal activity, including violence, with over 775 police calls in two years.

96. Each Defendant has ownership of and/or power to control the activities of Arbor One Apartments.

A director or officer of a corporation may be held liable for a nuisance created or maintained by that corporation if he had knowledge of the existence or continuance of the nuisance, or if he should have known of it by exercising ordinary diligence. . . . Likewise, where a party, by virtue of his position or ownership interest, is vested with the power to control corporate activities, he may also be held responsible for a nuisance created or maintained by the corporation.

Attorney Gen ex rel Dir of Dept of Nat. Res v Acme Disposal Co, 189 Mich App 722, 726–27; 473 NW2d 824 (1991) (internal citations omitted).

97. Each Defendant knew of the nuisances or should have known by exercising ordinary diligence, and Defendants were in a position to abate the nuisances.
98. The conditions at Arbor One Apartments are readily apparent, and they have also been brought to Defendants' attention – repeatedly and for months – through tenants' requests for repairs, the representation and advocacy of legal services, elected officials with constituent complaints, a history of notices and inspection reports from the City ordering Defendants to remediate observed health and safety code violations, and coverage by the news media.
99. Defendants have maintained and even exacerbated already dangerous conditions by refusing to perform necessary repairs and maintenance, and by performing improper work without required permits or inspections, allowing work to be performed by unlicensed individuals, and performing work not in compliance with state and local codes.
100. Therefore, Defendants have created and maintained public nuisances in fact with a natural tendency to endanger the public health, safety, comfort, and welfare.

COUNT II: PUBLIC NUISANCE PER SE
(Both Plaintiffs v. All Defendants)

101. Plaintiffs reallege and incorporate by reference all preceding paragraphs.
102. The conditions at Arbor One Apartments are public nuisances per se because they violate laws that define and prohibit public nuisances, specifically the Housing Law of Michigan and the City of Ypsilanti Code of Ordinances.
103. The Housing Law of Michigan's definition of public nuisance incorporates all common law nuisances and adds additional breadth, as follows:

Nuisance. The word "nuisance" shall be held to embrace public nuisance as

known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever dwelling is overcrowded with occupants or is not provided with adequate ingress and egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this act, nuisances . . .

MCL 125.402(18).

104. The Housing Law of Michigan then prohibits such nuisances: “all such nuisances are hereby declared illegal.” *Id.*

105. City of Ypsilanti Code of Ordinances defines public nuisance as follows: “whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency . . . or in any way renders the public insecure in life or property . . .” City Code, § 42-31.

106. The City of Ypsilanti Code of Ordinances then prohibits such nuisances: “[n]o person shall commit, create, or maintain any nuisance.” City Code, § 42-32(a).

107. The conditions at Arbor One Apartments are public nuisances in fact, see *supra*, Count I, and therefore are also public nuisances per se by violating the statutory definitions. MCL 125.402(18).; City Code, § 42-31.

108. Moreover, the conditions at Arbor One Apartments are public nuisances per se because of a broader territory of conditions issues – all alleged conditions that are detrimental to health and/or renders the air unwholesome and/or in any way renders the public insecure in life or property. MCL 125.402(18).; City Code, § 42-31.

109. Therefore, Defendants have created and maintained public nuisances per se that violate the statutory prohibitions.

COUNT III: VIOLATION OF THE HOUSING LAW OF MICHIGAN
(Plaintiff City Only v. All Defendants)

110. Plaintiff City realleges and incorporates by reference all preceding paragraphs.
111. Defendants have violated the Housing Law of Michigan by failing to provide maintenance and repair to Arbor One Apartments.
112. The City is the “[e]nforcing agency . . . charged with responsibility for administration and enforcement of” the Housing Law of Michigan. MCL 125.402a.
113. Arbor One Apartments are “dwellings” subject to the Housing Law of Michigan because they are the home, residence, living or sleeping space of human beings. MCL 125.402(1).
- a. Arbor One Apartments are “Class A” multiple dwellings. MCL 125.402(2)(c), (3).
 - b. Arbor One Apartments are “sub-standard dwellings” because they have defective plumbing. MCL 125.402(1a).
114. The conditions at Arbor One Apartments violate the prohibition on dangerous buildings in the Housing Law of Michigan, MCL 125.538, including but not limited to:
- a. “The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.” MCL 125.529(f).
 - b. “A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.” MCL 125.539(h).

- c. “A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.” MCL 125.539(i).

115. The conditions at Arbor One Apartment violate various enumerated prohibitions and requirements of the Housing Law of Michigan, including but not limited to:

- a. The basement rooms “shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation.” MCL 125.468(6).
- b. “[T]he floor or other surface beneath and around water-closets and sinks shall be maintained in good order and repair and if of wood shall be kept well painted.” MCL 125.470.
- c. “Every dwelling and all the parts thereof including plumbing, heating, ventilating and electrical wiring shall be kept in good repair by the owner.” MCL 125.471.
- d. “The owner of every dwelling shall be responsible for keeping the entire building free from vermin.” MCL 125.474.
- e. “Each dwelling unit contained within a class ‘A’ multiple dwelling shall be equipped with a single-station or multiple-station smoke alarm . . .” MCL 125.482a.
- f. “In all dwellings, plumbing fixtures shall be so arranged and maintained as to prevent the wetting of the supporting or surrounding framework which may cause an insanitary condition.” MCL 125.491
- g. “The floor and wall surfaces beneath and adjacent to all plumbing fixtures shall be maintained in a sound and sanitary condition.” *Id.*

- h. “Defective and insanitary plumbing fixtures, which cannot be repaired, shall be replaced by approved fixtures.” *Id.*
- i. “Such water-closets and all plumbing in connection therewith shall be sanitary in every respect and, except as in this act otherwise provided, shall be in accordance with the local ordinances and regulations in relation to plumbing and drainage.” MCL 125.492.

116. The City has inspected Arbor One Apartments pursuant to the Housing Law of Michigan and its own City Code “in the public interest, to secure the health and safety of the occupants of dwellings and of the general public.” MCL 125.528.

117. The City has provided notice of violations of the Housing Law of Michigan to Defendants, including but not limited to, the condemnation notices for eight buildings in December 2024, and Defendants have failed to comply with the orders to correct the violations contained in the notices of violation. MCL 125.534(1).

118. Therefore, the City is bringing this “action to enforce this act and to abate or enjoin the violation.” *Id.*

- a. Due to the imminent danger to the health and safety of the occupants of Arbor One Apartments, Court should order “a preliminary injunction or other temporary relief appropriate to remove the danger during the pendency of the action.” MCL 125.534(3).
- b. On a temporary or permanent basis, the “court may enjoin the maintenance of unsafe, unhealthy, or unsanitary conditions, or violations of this act, and may order the defendant to make repairs or corrections necessary to abate the conditions.” MCL 125.534(5).

119. In addition to and/or in the alternative, “[w]hen a suit has been brought to enforce this act against the owner the court may appoint a receiver of the premises.” MCL 125.535(1).

120. The receiver shall “repair, renovate and rehabilitate the premises as needed to make the building comply with the provisions of this act, and where ordered by the court, [] remove a building.” MCL 125.535(3).

COUNT IV: VIOLATION OF THE MICHIGAN CONSUMER PROTECTION ACT
(Plaintiff Prosecuting Attorney v. All Defendants)

121. Plaintiff Prosecuting Attorney realleges and incorporates by reference all preceding paragraphs.

122. The Michigan Consumer Protection Act prohibits thirty-eight (38) enumerated “[u]nfair, unconscionable, or deceptive methods, acts, or practices in the conduct of trade or commerce.” MCL 445.903(1).

123. Defendants advertised to and solicited for new tenants, without the legal ability to do so, City Code §§ 18-146, 58-122(a)(2), from the date of revocation of the Certificates of Compliance on September 17, 2024 forward. Each such action and/or each day of such continuing conduct, violated the Michigan Consumer Protection Act in multiple ways because Defendants:

- a. Caused a probability of confusion or misunderstanding regarding the approval or certification of Arbor One Apartments. MCL 445.903(1)(a).
- b. Represented that Arbor One Apartments had sponsorship, approval, and characteristics that they did not have. MCL 445.903(1)(c).
- c. Represented that Arbor One Apartments had a different standard, quality, or grade than they were. MCL 445.903(1)(e).
- d. Advertised or represented Arbor One Apartments to consumers without the intent to dispose of them as advertised or represented. MCL 445.903(1)(g).
- e. Caused a probability of confusion as to the legal rights, obligations, or remedies of a party to a transaction. MCL 445.903(1)(n).

- f. Misrepresented facts regarding the ability to rent properties such that customers reasonably believed Defendants had the ability to rent properties. MCL 445.901(1)(bb).
- g. Failed to reveal facts that were material to the transaction in light of positive factual representations. MCL 445.903(1)(cc).

124. Defendants entered new leases with prospective tenants and/or transferred actual possession of rental homes to new tenants, without the legal ability to do so, City Code §§ 18-146, 58-122(a)(2), from the date of revocation of the Certificates of Compliance on September 18, 2024 forward. Every time Defendants illegally entered a lease with a prospective tenant violated the Michigan Consumer Protection Act in multiple ways because Defendants:

- a. Caused a probability of confusion or misunderstanding regarding the approval or certification of Arbor One Apartments. MCL 445.903(1)(a).
- b. Represented that Arbor One Apartments had sponsorship, approval, and characteristics that they did not have. MCL 445.903(1)(c).
- c. Represented that Arbor One Apartments had a different standard, quality, or grade than they were. MCL 445.903(1)(e).
- d. Advertised or represented Arbor One Apartments to consumers without the intent to dispose of them as advertised or represented. MCL 445.903(1)(g).
- e. Caused a probability of confusion as to the legal rights, obligations, or remedies of a party to a transaction. MCL 445.903(1)(n).
- f. Misrepresented facts regarding the ability to rent properties such that customers reasonably believed Defendants had the ability to rent properties. MCL 445.901(1)(bb).
- g. Failed to reveal facts that were material to the transaction in light of positive factual representations. MCL 445.903(1)(cc).

125. Defendants demanded and/or accepted rent from former, current, and prospective tenants, without the legal ability to do so, City Code § 58-122(d), for rental time periods from the date of revocation of the Certificates of Compliance on September 18, 2024 forward. Every time Defendants illegally demanded and/or accepted rent violated the Michigan Consumer Protection Act in multiple ways because Defendants:

- a. Caused a probability of confusion or misunderstanding regarding the approval or certification of Arbor One Apartments. MCL 445.903(1)(a).
- b. Represented that Arbor One Apartments had sponsorship, approval, and characteristics that they did not have. MCL 445.903(1)(c).
- c. Represented that Arbor One Apartments had a different standard, quality, or grade than they were. MCL 445.903(1)(e).
- d. Caused a probability of confusion as to the legal rights, obligations, or remedies of a party to a transaction. MCL 445.903(1)(n).
- e. Misrepresented facts regarding the ability to collect rent such that customers reasonably believed Defendants had the ability to collect rent. MCL 445.901(1)(bb).
- f. Failed to reveal facts that were material to the transaction in light of positive factual representations. MCL 445.903(1)(cc).

126. Defendants served demands for possession for nonpayment of rent, filed complaints for possession for nonpayment of rent, maintained actions for nonpayment of rent, without a legal ability to demand and/or accept rent, City Code § 58-122(d), for rental time periods from the date of revocation of the Certificates of Compliance on September 18, 2024 forward. Every time Defendants did so violated the Michigan Consumer Protection Act in multiple ways because Defendants:

- a. Caused a probability of confusion or misunderstanding regarding the approval or certification of Arbor One Apartments. MCL 445.903(1)(a).
- b. Represented that Arbor One Apartments had sponsorship, approval, and characteristics that they did not have. MCL 445.903(1)(c).
- c. Represented that Arbor One Apartments had a different standard, quality, or grade than they were. MCL 445.903(1)(e).
- d. Caused a probability of confusion as to the legal rights, obligations, or remedies of a party to a transaction. MCL 445.903(1)(n).
- e. Misrepresented facts regarding the ability to collect rent such that customers reasonably believed Defendants had the ability to collect rent. MCL 445.901(1)(bb).
- f. Failed to reveal facts that were material to the transaction in light of positive factual representations. MCL 445.903(1)(cc).

127. Defendants deployed third-party collection agents who demanded and/or accepted rent from former, current, and prospective tenants, without the legal ability to do so, City Code § 58-122(d), for rental time periods from the date of revocation of the

Certificates of Compliance on September 18, 2024 forward. Every time Defendants did so violated the Michigan Consumer Protection Act in multiple ways because

Defendants:

- a. Caused a probability of confusion or misunderstanding regarding the approval or certification of Arbor One Apartments. MCL 445.903(1)(a).
- b. Represented that Arbor One Apartments had sponsorship, approval, and characteristics that they did not have. MCL 445.903(1)(c).
- c. Represented that Arbor One Apartments had a different standard, quality, or grade than they were. MCL 445.903(1)(e).
- d. Caused a probability of confusion as to the legal rights, obligations, or remedies of a party to a transaction. MCL 445.903(1)(n).
- e. Misrepresented facts regarding the ability to collect rent such that customers reasonably believed Defendants had the ability to collect rent. MCL 445.901(1)(bb).
- f. Failed to reveal facts that were material to the transaction in light of positive factual representations. MCL 445.903(1)(cc).

128. Defendants failed to make provide maintenance and repairs to Arbor One

Apartments to such an extent that Defendants created public nuisances, violated state and local laws, and failed to perform contractual promises. Every time Defendants did so violated the Michigan Consumer Protection Act in multiple ways because

Defendants:

- a. Advertised or represented Arbor One Apartments to consumers without the intent to dispose of them as advertised or represented. MCL 445.903(1)(g).
- b. Caused a probability of confusion as to the legal rights, obligations, or remedies of a party to a transaction. MCL 445.903(1)(n).
- c. Failed to provide the subject of a consumer transaction as promised or within a reasonable time, when Defendants had reason to know it would not be so provided. MCL 445.903(1)(q).
- d. Failed to provide the promised benefits on the transaction by not performing maintenance and repair work as agreed. MCL 445.903(1)(y).
- e. Failed to reveal facts that were material to the transaction in light of positive factual representations. MCL 445.903(1)(cc).

129. Defendants' violations of the Michigan Consumer Protection Act were persistent, as the violations occurred for months and harmed hundreds of consumers.

130. Defendants' violations of the Michigan Consumer Protection Act were knowing, as Defendants are sophisticated, professional multi-state real estate operators with the able representation of at least two experienced law firms, Defendants had been subject to notices and enforcement actions before the current dispute (having previously rented homes without the requisite Certificates of Compliance), Defendants had been subject to notices and enforcement actions since the beginning of the current dispute, and Defendants continued to violate the Michigan Consumer Protection Act by offering and/or renting units without a Certificate of Compliance even after Prosecutor served Defendants with a Notice of Intended Action on December 13, 2024.

131. The Michigan Consumer Protection Act authorizes the Prosecuting Attorney, MCL 445.915, to enforce these prohibitions through injunctive relief, class action damages, declaratory relief, and civil fines and costs. MCL 445.905, MCL 445.910, 445.911.

- a. The Michigan Consumer Protection Act provides a public enforcement class action mechanism that is different from the traditional private enforcement class action mechanism.
- b. To be clear, the class requirements of MCR 3.501 (e.g., typicality, motion for certification, etc.) do not apply to this public-enforcement class action brought under the Michigan Consumer Protection Act, MCL 445.910. *Nessel ex rel Michigan v AmeriGas Partners, LP*, 954 F3d 831, 837 (CA 6, 2020).
- c. The *AmeriGas Partners* holding applies equally to suits initiated by the Attorney General or by a Prosecuting Attorney, because the MCPA expressly

provides that a Prosecuting Attorney “may institute and prosecute an action under this act in the same manner as the attorney general.” MCL 445.915.

132. Therefore, Defendants’ repeatedly, persistently, and knowingly violated the Michigan Consumer Protection Act, and Defendants should be enjoined from further violations and are liable for actual damages on a class wide basis, costs, and a civil fine of up to \$25,000 for each violation. MCL 445.905; MCL 445.910; MCL 445 911.

COUNT V: DECLARATORY JUDGMENT
(Both Plaintiffs v. All Defendants)

133. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

134. “In a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted.” MCR 2.605(A)(1); see also, MCL 445.911(1)(A).

135. Defendants have defied City Code in refusing to make repairs to Arbor One Apartments, challenging the specificity required for citations and notices of violation, and flouting the revocation of the Certificates of Compliance by continuing to solicit new tenants; entering new leases with new tenants; demanding rent from former residents, existing tenants, and prospective tenants; and filing nonpayment of rent eviction actions against tenants in district court.

136. The direct violation of City Code—and representations and actions demonstrating that Defendants believe they do not have to follow the City Code—create an actual controversy regarding the rights and other legal relations of Defendants, the City, and hundreds of former, current, and prospective tenants.

137. Plaintiffs are entitled to a judicial declaration as follows:

- a. No tenant is obligated to pay rent for period of time when Defendants failed to have or maintain a valid Certificate of Compliance, that is, Defendants are not entitled to rent from September 17, 2024 until the day new Certificates of Compliance are issued and/or the current Certificates are valid and not suspended;
 - i. All claims, demands, or collections seeking rent for such time periods and not valid and subject to appropriate relief (e.g., dismissal of eviction cases, clearing credit reports, neutral or positive rental history reporting);
- b. In addition, due to the failure to maintain Certificates of Compliance, pending condemnations, and overall conditions issues, the leases regarding Arbor One Apartments are voidable at the tenants' election, and all tenants of Arbor One Apartments are entitled to elect for the remedy of rescission of their lease agreements – with the tenant returning possession to the landlord after a reasonable time for relocation (not less than 60 days), and Defendants returning all rental payments, security deposits, and any other funds paid under the contract, to return the Defendants and tenants to their pre-contractual state;
- c. In addition, and in the alternative to rescission, all tenants of Arbor One Apartments may elect for specific performance for Defendants to carry out a transaction in accordance with the tenants' reasonable expectations – namely, that Defendants provide maintenance and repair for Arbor One in compliance

with housing laws, property maintenance codes, and contractual repair promises.

138. For clarity only, the Court should declare that this action is binding upon the legal rights of Plaintiffs and Defendants only, and while the relief herein may provide benefits to tenants as third-parties, the orders and judgments herein do not act to prejudice any private right of action of the tenants to any relief (such as personal injury claims for harmful health conditions, Fair Debt Collection Practices Act claims for improper debt collection, etc.).

RELIEF REQUESTED

WHEREFORE, on behalf of the People of the State of Michigan, Plaintiff Eli Savit, Prosecuting Attorney for Washtenaw County, and Plaintiff City of Ypsilanti, respectfully request that this Court:

A. Declare that:

1. Defendants created and maintained Arbor One Apartments as a public nuisance, in fact and in law, that is subject to abatement;
2. Defendants violated the Housing Law of Michigan by renting dangerous buildings and by failing to maintain and repair the rental homes as the law requires;
3. Defendants violated the Michigan Consumer Protection Act by unfair and deceptive trade practices; and
4. The City of Ypsilanti's Code of Ordinances are valid and enforceable, with corresponding legal rights, obligations, and remedies on Defendants that provide options for third-party tenants.

B. Order Defendants to take immediate action to remedy the public nuisance and correct violations of the Housing Law of Michigan, including but not limited to, by providing:

1. Temporary shelter: Defendants shall, at their sole expense, provide temporary alternative shelter in a safe location (such as a furnished apartment or hotel) to be available at the option of the tenants;
2. Relocation assistance: Defendants shall, at their sole expense, provide relocation funding and/or assistance for any tenant who wishes to voluntarily relocate from the property, on a temporary or a permanent basis, to be available at the option of the tenants;
3. Emergency repairs: Defendants shall provide emergency repairs as appropriate, such as by fixing the lack of heat and leaking pipes;
4. Health and safety related repairs: Defendants shall provide health and safety related repairs, such as abating mold, and vermin and insect infestations;
5. Continuing duty: Order Defendants to permanently maintain Arbor One Apartments without nuisance conditions and in compliance with housing laws and ordinances; and/or
6. Appoint a receiver: In the alternative, appoint a receiver for Arbor One Apartments to address the public nuisance and violations of the Housing Law of Michigan, with the full and complete authority to make Arbor One Apartments comply with the laws on public nuisance and the Housing Law of Michigan, including all reasonable expectations and provisions for the

payment of same (liens, etc.) provided by the law for Arbor One Apartments and/or Defendants other assets;

C. Order Defendants to take immediate action to remedy the violations of the Housing Law of Michigan, including but not limited to, by providing:

1. Capital Improvement Plan and Execution:

- a. Defendants shall submit a Capital Improvement Plan to the City that addresses the conditions at the property as quickly and comprehensively as possible;
- b. Defendants shall engage in good-faith iterative review of the proposed plan with the City;
- c. Should the City approve the Capital Improvement Plan, it shall enter as an order of the Court;
- d. Should the City find the Capital Improvement Plan insufficient, the Court shall appoint a special master to resolve the differences, with or without a hearing before the Court, and the resulting Capital Improvement Plan shall enter as an order of the Court; and

D. Order Defendants to take immediate action to remedy the violations of the Michigan Consumer Protection Act, including but not limited to:

1. Stop advertising for or soliciting to prospective tenants, by any and all means, methods, and media through which Defendants are, have been, or may begin doing so (e.g., taking down website offerings, including on third party sites, etc.).

2. Stop demanding and/or accepting rent, directly and indirectly, for time periods without a Certificate of Compliance.
3. Provide the maintenance and repair of Arbor One Apartments in keeping with reasonable consumer expectations.
4. Take affirmative steps to remedy any violations of the Michigan Consumer Protection Act (e.g., correcting information furnished to consumer reporting agencies, setting aside and/or dismissing past judgments for nonpayment of rent to clear the court record of improper, dismiss pending eviction actions, etc.).

E. Enter a money judgment against Defendants, jointly and severally, for:

1. Restitution for those harmed in the form of class-wide actual damages and individual actual damages;
2. Statutory penalties and civil fines, including but not limited to \$25,000 per violation of the Michigan Consumer Protection Act, in recognition of the harm done and to deter future violations;
3. If necessary, the reasonable costs of public nuisance abatement and/or costs of correcting Housing Law of Michigan violations (if incurred by receiver or other non-Defendant); and
4. Enforcement costs, investigation costs, inspection costs, and attorney's fees, expert and lay witness costs and expenses, court costs, interest, and any other monetary relief to which Plaintiffs are entitled.

F. Any other relief this Court finds equitable and just.

Respectfully submitted,

Dated: February 19, 2025

/s/ Todd Ryan

Todd Ryan (P81848)

Eli Savit (P76528)

Victoria Burton-Harris (P78263)

Todd Pierce-Ryan (P81848)

WASHTENAW COUNTY PROSECUTOR'S
OFFICE

Attorneys for Plaintiff State of Michigan

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Ann Arbor, MI 48107

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ryant@washtenaw.org

Dated: February 19, 2025

/s/ Randolph T. Barker

Randolph T. Barker (P62604)

Randolph T. Barker (P62604)

W. Daniel Troyka (P65155)

Andrew D. Sugerman (P46687)

CONLIN, MCKENNEY & PHILBRICK, P.C.

Attorneys for Plaintiff City of Ypsilanti

350 S. Main Street, Ste. 400

Ann Arbor, MI 48104-2131

(734) 761-9000

barker@cmplaw.com

STATE OF MICHIGAN
IN THE 22ND JUDICIAL CIRCUIT

ELI SAVIT, PROSECUTING ATTORNEY
FOR WASHTENAW COUNTY, *ex rel.* the
People of the State of Michigan, and CITY
OF YPSILANTI,

Plaintiffs,

v.

VALLEYTREE PARTNERS LLC, VTP A1
LP, VTP ARBOR GP LLC, VTP ARBOR JV
LP, VTP ARBOR ONE LLC, VTP RIVER
WOODS, LLC, SAMUEL ROSENTHAL,
YAAKOV NUSBAUM, and AMY
VUJNOV,

Defendants.

INDEX TO ATTACHMENTS

Case No. _____

The Hon. _____

Eli Savit (P76528)
Victoria Burton-Harris (P78263)
Todd Ryan (P81848)
WASHTENAW COUNTY PROSECUTOR'S OFFICE
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(734) 761-9000
barker@cmplaw.com

INDEX TO ATTACHMENTS

- A. Covenant Deed, WCROD Doc. No. 6551900, Aug. 31, 2020 (recorded Nov. 3, 2020)
- B. Covenant Deed, WCROD Doc. No. 6651122, May 12, 2022 (recorded May 26, 2022)
- C. City of Ypsilanti Ordinance No. 854 on May 6, 1997
- D. Building Permit & Plan Review Application, City of Ypsilanti Building Department,
24-0103, Apr. 12, 2024

11/03/2020 10:58 AM Total Pages: 11
Lawrence Kestenbaum, Washtenaw Co

Fedex

Record and return to:
Madison Title Agency, LLC
1125 Ocean Avenue
Lakewood, NJ 08701
MTA 146385

COVENANT DEED

The Grantor: Arbor One 18 LLC, a Delaware limited liability company

whose address is: 301 W. Michigan Avenue, Suite 411, Ypsilanti, Michigan 48197,

Grants and Conveys to VTP A1 LP, a Delaware limited partnership

Whose address is: 920 E. County Line Rd., Suite 103, Lakewood, New Jersey 08701

The following described premises situated in City of Ypsilanti and the Township of Ypsilanti, County of Washtenaw, State of Michigan, to wit, as further described on **Exhibit A** attached hereto and made a part hereof (the "Premises"), together with all tenements, hereditaments, improvements and appurtenances, if any, belonging or in anywise appertaining thereto; for the consideration set forth on the Real Property Transfer Valuation Affidavit filed, the receipt and adequacy of which is hereby acknowledged.

1108

The Grantor covenants and agrees that as of the date of this Deed it has not done or suffered to be done anything by which the Premises is, or may be, in any manner encumbered or charged, and Grantor warrants and agrees to defend the Premises to Grantee, its successors and assigns, against the lawful claims of all persons claiming by, through or under Grantor and against no others, subject only to those matters set forth in **Exhibit B** attached hereto (the "Permitted Exceptions").

See attached Private Road Notice

Grantor grants to the Grantee the right to make all permitted divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Time Submitted for Recording
Date 10-22-2020 Time 11:50am
Lawrence Kestenbaum
Washtenaw County Clerk/Register

Dated: August 31, 2020

13

Time Submitted for Recording
Date 9-3-2020 Time 10:25am
Lawrence Kestenbaum
Washtenaw County Clerk/Register

Time Submitted for Recording
Date 10-28-2020 Time 9:50am
Lawrence Kestenbaum
Washtenaw County Clerk/Register

WASHTENAW COUNTY TREASURER
TAX CERTIFICATE NO. 134198T1Z7L

Time Submitted for Recording
Date 11-3-2020 Time 10:05am
Lawrence Kestenbaum
Washtenaw County Clerk/Register

IN WITNESS WHEREOF, this Covenant Deed has been executed to be effective as of the date first above written.

GRANTOR:

Arbor One 18 LLC,
a Delaware limited liability company

By: Arbor One, LLC,
a Michigan limited liability company
Its: Sole Member

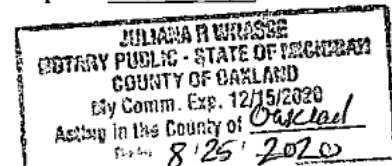
By: Watermark Partners Fund IV GP LLC,
a Michigan limited liability company
Its: Manager

By: 
Michael Schmanksy
Its: Member

State of Michigan)
County of Oakland)ss

The foregoing instrument was acknowledged before me this 15 day of August, 2020, by Michael Schmanksy, a Member of Watermark Partners Fund IV GP LLC, a Michigan limited liability company, the Manager of Arbor One, LLC, a Michigan limited liability company, the Sole Member of Arbor One 18 LLC, a Delaware limited liability company, on behalf of the company.


Notary Public, Juliana Wrase
My Commission Expires 12-15-2020



When recorded return to:
Grantee

Send subsequent Tax Bills To:
Grantee

Drafted by:
Nathan Lewis
301 W. Michigan Ave.
Suite 411
Ypsilanti, Michigan 48197

EXHIBIT A TO COVENANT DEED**LEGAL DESCRIPTION**

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Ypsilanti, County of Washtenaw, State of Michigan.

TRACT I:

Lot 1 of NEWTON ACRES SUBDIVISION, according to the plat thereof recorded in Liber 19 of Plats, Pages 4 and 5 of Washtenaw County Records.

TRACT II:

Part of the Northwest fractional 1/4 of Section 4, Town 3 South, Range 7 East, ^{Superior}Ypsilanti Township, Washtenaw County, Michigan, described as follows: Commencing at the Northwest corner of fractional Section 4; thence North 88 degrees 20 minutes 30 seconds East 73.70 feet along the North line of said Section 4 and the centerline of Clark Road to the Southwest corner of Section 33, Town 2 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; thence South 89 degrees 55 minutes 30 seconds East 1211.40 feet along the North line of said Section 4 and the centerline of Clark Road to a point that lies North 89 degrees 55 minutes 30 seconds West 1327.26 feet along the North line of said Section 4 and the centerline of Clark Road from the North 1/4 corner of said Section 4; thence South 00 degrees 04 minutes 30 seconds West 572.85 feet to the Point of Beginning; thence South 00 degrees 04 minutes 30 seconds West 635.25 feet; thence North 56 degrees 37 minutes 00 seconds West 492.35 feet; thence South 78 degrees 12 minutes 00 seconds West 643.43 feet; thence North 00 degrees 49 minutes 00 seconds East 391.73 feet; thence North 87 degrees 23 minutes 30 seconds West 257.75 feet; thence North 00 degrees 49 minutes 00 seconds East 98.97 feet; thence South 89 degrees 57 minutes 00 seconds East 231.00 feet; thence North 00 degrees 49 minutes 00 seconds East 64.58 feet; thence South 89 degrees 57 minutes 00 seconds East 33.00 feet; thence North 00 degrees 49 minutes 00 seconds East 237.00 feet; thence South 89 degrees 58 minutes 30 seconds East 481.40 feet; thence South 00 degrees 04 minutes 30 seconds West 307.16 feet; thence South 89 degrees 55 minutes 00 seconds East 543.01 feet to the Point of Beginning.

TRACT II ALSO DESCRIBED BY SURVEY AS FOLLOWS:

Part of the Northwest 1/4 of Section 4, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan, described as follows: Commencing at the Northwest corner of Section 4; thence North 88 degrees 22 minutes 07 seconds East 73.89 feet along the North line of said Section 4 and the centerline of Clark Road (66' wide) to the Southwest corner of Section 33, Town 2 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; thence South 89 degrees 55 minutes 02 seconds East 1211.40 feet along said North line of Section 4 and said centerline of Clark Road; thence South 00 degrees 04 minutes 58 seconds West 572.85 feet to the Point of Beginning; thence South 00 degrees 04 minutes 58 seconds West 635.25 feet; thence North 56 degrees 36 minutes 32 seconds West 492.35 feet; thence South 78 degrees 14 minutes 16 seconds West 643.48 feet; thence North 00 degrees 49 minutes 00 seconds East 391.89 feet; thence North 87 degrees 23 minutes 19 seconds West 257.75 feet to a point on the West line of said Section 4; thence North 00 degrees 49 minutes 00 seconds East 98.97 feet along said West line; thence South 89 degrees 58 minutes 20 seconds East 231.17 feet; thence North 00 degrees 49 minutes 00 seconds East 64.58 feet; thence South 89 degrees 58 minutes 20 seconds East 33.00 feet; thence North 00 degrees 49 minutes 00 seconds East 238.83 feet; thence South 89 degrees 43 minutes 18 seconds East 481.40 feet; thence South 00 degrees 04 minutes 58 seconds West 307.16 feet; thence South 89 degrees 54 minutes 32 seconds East 543.01 feet to the Point of Beginning.

TRACT III:

That part of the Northeast 1/4 of Section 5, Town 3 South, Range 7 East, formerly in Ypsilanti Township, now in the City of Ypsilanti, Washtenaw County, Michigan, described as follows: Starting at the Northeast corner of said Section 5; thence South 00 degrees 49 minutes 00 seconds West along the East line of said Section 5, being also the centerline of LaForge Road, a distance of 620.40 feet to the POINT OF BEGINNING of the premises hereinafter described; thence South 00 degrees 49 minutes 00 seconds West along the East line of said Section 5, a distance of 402.60 feet to a point; thence Due West parallel with the North line of said Section 5, a distance of 577.00 feet (measured North 89 degrees 59 minutes 54 seconds West 576.20 feet); thence North 00 degrees 49 minutes 00 seconds East and parallel with the East line of Section 5, a distance of 267.00 feet to a point; thence Due West a distance of 62.00 feet to a point; thence North 00 degrees 49 minutes 00 seconds East, a distance of 135.60 feet (measured North 00 degrees 46 minutes 59 seconds East 135.43 feet) to a point; thence Due East, a distance of 639.00 feet (measured North 89 degrees 58 minutes 44 seconds East 638.20 feet) to the POINT OF BEGINNING, EXCEPT the Easterly 43 feet thereof.

TRACT III ALSO DESCRIBED BY SURVEY AS FOLLOWS:

That part of the Northeast 1/4 of Section 5, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, described as follows: Commencing at the Northeast corner of said Section 5; thence North 89 degrees 58 minutes 50 seconds West, 42.65 feet; thence South 00 degrees 49 minutes 00 seconds West, 620.40 feet along the Westerly 43 foot right of way line of LaForge Road to the Point of Beginning, said point also being the intersection of the Westerly right of way line of said LaForge Road and the Southerly right of way line of Green Road (50 feet wide); thence South 00 degrees 49 minutes 00 seconds West, 402.60 feet along the Westerly right of way line of said LaForge Road; thence North 89 degrees 58 minutes 50 seconds West, 534.00 feet; thence North 00 degrees 49 minutes 00 seconds East, 267.00 feet; thence North 89 degrees 58 minutes 50 seconds West, 62.00 feet; thence North 00 degrees 49 minutes 00 seconds East, 135.60 feet to a point on the Southerly right of way line of said Green Road; thence South 89 degrees 58 minutes 50 seconds East, 596.00 feet to the Point of Beginning.

NOTE FOR INFORMATION: Being Parcel No. 11-11-05-100-001 (Tract I), K-11-04-200-013 (Tract II) and 11-11-05-100-007 (Tract III), of the City of Ypsilanti, County of Washtenaw

EXHIBIT B TO COVENANT DEED

PERMITTED EXCEPTIONS

1. Rights of tenants in possession, as tenants only, under unrecorded leases pursuant to the attached rent roll, with no rights to purchase or rights of first refusal to purchase of all any portion of the property.
2. Taxes for the year 2020 and all subsequent years, a lien not yet due and payable.
3. The rights of upper and lower riparian owners and the rights of others to the free and unobstructed flow of the water of the Superior Number One Drain extending through the subject land, without diminution or pollution.
4. No title is insured to any land now or formerly lying in the bed of the Superior Number One Drain and its shore lands extending to the ordinary high-water mark thereof.
5. No title is insured to any land lying in the bed of LeForge Road, abutting, adjoining, passing through or crossing the premises herein.
6. Agreement between Gordon, Shubow and Oliver, The Detroit Edison Company and Michigan Bell Telephone Company recorded on October 16, 1967 in Liber 1220 Page 569. (As to Tract I).
7. Conditions, restrictions, covenants, easements and agreements in Easement Grant and Declaration of Restrictions dated September 28, 1967 and recorded November 28, 1967 in Washtenaw County in Liber 1226 Page 285 and any amendments thereto. (As to Tract I).
8. Agreement between Mill Development Company, The Detroit Edison Company and Michigan Bell Telephone Company recorded on February 13, 1968 in Liber 1234 Page 421. (As to Tracts I and III).
9. Right-of-Way Agreement between Highland Construction Company and Michigan Consolidated Gas Company recorded on January 23, 1973 in Liber 1426 Page 511. (As to Tract II).
10. Agreement - Easement - Restrictions recorded on April 27, 1973 in Liber 1436 Page 583 and re-recorded on March 20, 1974 in Liber 1471 Page 673. (As to Tract II).
11. Grant of Easement to Comcast of the South, Inc. recorded on September 20, 2004 in Liber 4425 Page 886. (As to Tract II).
12. Grant of Easement to Comcast of the South, Inc. recorded on October 13, 2005 in Liber 4514 Page 74. (As to Tract II).
13. Grant of Easement to Comcast of the South, Inc. recorded on April 30, 2013 in Liber 4974 Page 962. (As to Tract III).
14. Grant of Easement to Comcast of the South, Inc. recorded on April 30, 2013 in Liber 4974 Page 963. (As to Tract II).
15. As to Tract I:
 The following matters disclosed by Survey prepared by Kevin Navaroli of Nowak & Fraus, Project/Job Number G208, dated 03/02/2020, last revised 8/24/2020
 a. Fences, Trashes enclosure walls and asphalt extends beyond westerly property line;
 b. Walls encroach easement as reflected in Liber 1220, page 569 and Liber 1226, page 285;

c. Rights of others, both public and private in and to manholes, catch basins, fire hydrants, cleanouts, guy wires, utility poles, gas regulators, sanitary lines, storm sewer lines, cables tv and cables phone on or crossing subject property.

As to Tract II:

The following matters disclosed by Survey prepared by Kevin Navaroli of Nowak & Fraus, Project/Job Number G208, dated 03/02/2020, last revised 8/24/2020

- a. Fences do not coincide with property lines;
- b. Rights of others, both public and private, in and to guy wires, gas services, catch basins, manholes, storm lines, fire hydrants, electric risers, electric meters, light poles, overhead line, utility poles, overhead lines, utility cables, sanitary lines, utility boxes and utility cable son or crossing subject property.

As to Tract III:

The following matters disclosed by Survey prepared by Kevin Nayaroli of Nowak & Fraus, Project/Job Number G208, dated 03/02/2020, last revised 8/24/2020,

- a. Fence and wall do not coincide with southerly property line;
- b. Sign encroaches easterly property line;
- c. Asphalt extends beyond easterly property line;
- d. Rights of others, both public and private, in and to utility poles, overhead lines, utility boxes, sanitary lines, fire hydrants, manholes, water main line, transformers, catch basins, storm sewer lines, cleanouts, gas and utility cables on or crossing subject property.

EXHIBIT A TO COVENANT DEED**LEGAL DESCRIPTION**

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Ypsilanti, County of Washtenaw, State of Michigan.

TRACT I:

Lot 1 of NEWTON ACRES SUBDIVISION, according to the plat thereof recorded in Liber 19 of Plats, Pages 4 and 5 of Washtenaw County Records.

TRACT II:

Part of the Northwest fractional 1/4 of Section 4, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan, described as follows: Commencing at the Northwest corner of fractional Section 4; thence North 88 degrees 20 minutes 30 seconds East 73.70 feet along the North line of said Section 4 and the centerline of Clark Road to the Southwest corner of Section 33, Town 2 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; thence South 89 degrees 55 minutes 30 seconds East 1211.40 feet along the North line of said Section 4 and the centerline of Clark Road to a point that lies North 89 degrees 55 minutes 30 seconds West 1327.26 feet along the North line of said Section 4 and the centerline of Clark Road from the North 1/4 corner of said Section 4; thence South 00 degrees 04 minutes 30 seconds West 635.25 feet; thence North 56 degrees 37 minutes 00 seconds West 492.35 feet; thence South 78 degrees 12 minutes 00 seconds West 643.43 feet; thence North 00 degrees 49 minutes 00 seconds East 391.73 feet; thence North 87 degrees 23 minutes 30 seconds West 257.75 feet; thence North 00 degrees 49 minutes 00 seconds East 98.97 feet; thence South 89 degrees 57 minutes 00 seconds East 231.00 feet; thence North 00 degrees 49 minutes 00 seconds East 64.58 feet; thence South 89 degrees 57 minutes 00 seconds East 33.00 feet; thence North 00 degrees 49 minutes 00 seconds East 237.00 feet; thence South 89 degrees 58 minutes 30 seconds East 481.40 feet; thence South 00 degrees 04 minutes 30 seconds West 307.16 feet; thence South 89 degrees 55 minutes 00 seconds East 543.01 feet to the Point of Beginning.

TRACT II ALSO DESCRIBED BY SURVEY AS FOLLOWS:

Part of the Northwest 1/4 of Section 4, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan, described as follows: Commencing at the Northwest corner of Section 4; thence North 88 degrees 22 minutes 07 seconds East 73.89 feet along the North line of said Section 4 and the centerline of Clark Road (66' wide) to the Southwest corner of Section 33, Town 2 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; thence South 89 degrees 55 minutes 02 seconds East 1211.40 feet along said North line of Section 4 and said centerline of Clark Road; thence South 00 degrees 04 minutes 58 seconds West 635.25 feet; thence North 56 degrees 36 minutes 32 seconds West 492.35 feet; thence South 78 degrees 14 minutes 16 seconds West 643.48 feet; thence North 00 degrees 49 minutes 00 seconds East 391.89 feet; thence North 87 degrees 23 minutes 19 seconds West 257.75 feet to a point on the West line of said Section 4; thence North 00 degrees 49 minutes 00 seconds East 98.97 feet along said West line; thence South 89 degrees 58 minutes 20 seconds East 231.17 feet; thence North 00 degrees 49 minutes 00 seconds East 64.58 feet; thence South 89 degrees 58 minutes 20 seconds East 33.00 feet; thence North 00 degrees 49 minutes 00 seconds East 238.83 feet; thence South 89 degrees 43 minutes 18 seconds East 481.40 feet; thence South 00 degrees 04 minutes 58 seconds West 307.16 feet; thence South 89 degrees 54 minutes 32 seconds East 543.01 feet to the Point of Beginning.

APPROVED: YPSILANTI TOWNSHIP

NOV 01 2020

FOR RECORDING PURPOSES ONLY

Ben McLean
Tract II



Record and return to:
Madison Title Agency, LLC
1125 Ocean Avenue
Lakewood, NJ 08701
MTA 146385

PRIVATE ROAD NOTICE THIS NOTICE is given pursuant to MCL 560.261

BY: ARBOR ONE 18 LLC

Whose address is: 301 W. MICHIGAN AVE., SUITE 411, YPSILANTI, MI 48197

TO: VTP A1 LP

Whose Address is: 920 E. COUNTY LINE RD., SUITE 103, LAKEWOOD, NJ 08701

PARTIES to a certain Sales Agreement for the sale of a parcel of land in the City of Ypsilanti, County of Washtenaw, and State of Michigan, described as follows:

See attached Exhibit A

Commonly known as: 799 Green Rd., Ypsilanti, Michigan 48198

SELLER hereby advises **Purchaser** that said parcel of land abuts a private road that has not been accepted for maintenance by the Washtenaw County Road Commission or any other public body.

THIS Notice is made on August 31, 2020.

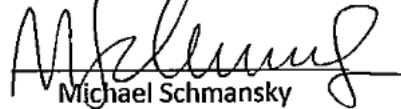
[Signature on Following Page]

Signed By:

ARBOR ONE 18 LLC

By: Arbor One LLC, its sole member

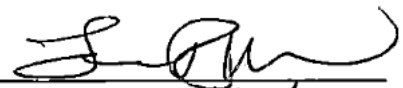
By: Watermark Partners Fund IV GP LLC, is manager

By: 
Michael Schmansky

Its: Member

COUNTY OF Oakland
STATE OF MICHIGAN

The foregoing instrument was acknowledged before me on August 25, 2020 by Michael Schmansky, the member of Watermark Partners Fund IV GP LLC, the manager of Arbor One LLC, the sole member of Arbor One 18 LLC.


Notary Public, Oakland County,
Acting in Oakland County,
State of MI

Commission Expires: 12-15-2020

Drafted By: Nathan Lewis, 301 W. Michigan Ave., Suite 411, Ypsilanti, MI 48197

After recording, return to: VTP A1 LP, 920 E. County Line Rd., Suite 103, Lakewood, NJ 08701

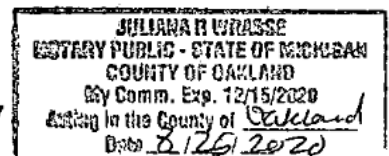


Exhibit A

Old Republic National Title Insurance Company

Commitment Number: 146385

**TITLE INSURANCE COMMITMENT
SCHEDULE A
LEGAL DESCRIPTION**

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Ypsilanti, County of Washtenaw, State of Michigan.

TRACT I:

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TRACT II ALSO DESCRIBED BY SURVEY AS FOLLOWS:

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This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

**SCHEDULE A
LEGAL DESCRIPTION
(Continued)**

degrees 43 minutes 18 seconds East 481.40 feet; thence South 00 degrees 04 minutes 58 seconds West 307.16 feet; thence South 89 degrees 54 minutes 32 seconds East 543.01 feet to the Point of Beginning.

TRACT III:

That part of the Northeast 1/4 of Section 5, Town 3 South, Range 7 East, formerly in Ypsilanti Township, now in the City of Ypsilanti, Washtenaw County, Michigan, described as follows: Starting at the Northeast corner of said Section 5; thence South 00 degrees 49 minutes 00 seconds West along the East line of said Section 5, being also the centerline of LaForge Road, a distance of 620.40 feet to the POINT OF BEGINNING of the premises hereinafter described; thence South 00 degrees 49 minutes 00 seconds West along the East line of said Section 5, a distance of 402.60 feet to a point; thence Due West parallel with the North line of said Section 5, a distance of 577.00 feet (measured North 89 degrees 59 minutes 54 seconds West 576.20 feet); thence North 00 degrees 49 minutes 00 seconds East and parallel with the East line of Section 5, a distance of 267.00 feet to a point; thence Due West a distance of 62.00 feet to a point; thence North 00 degrees 49 minutes 00 seconds East, a distance of 135.60 feet (measured North 00 degrees 46 minutes 59 seconds East 135.43 feet) to a point; thence Due East, a distance of 639.00 feet (measured North 89 degrees 58 minutes 44 seconds East 638.20 feet) to the POINT OF BEGINNING, EXCEPT the Easterly 43 feet thereof.

TRACT III ALSO DESCRIBED BY SURVEY AS FOLLOWS:

That part of the Northeast 1/4 of Section 5, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, described as follows: Commencing at the Northeast corner of said Section 5; thence North 89 degrees 58 minutes 50 seconds West, 42.65 feet; thence South 00 degrees 49 minutes 00 seconds: West, 620.40 feet along the Westerly 43 foot right of way line of LaForge Road to the Point of Beginning, said point also being the intersection of the Westerly right of way line of said LaForge Road and the Southerly right of way line of Green Road (50 feet wide); thence South 00 degrees 49 minutes 00 seconds West, 402.60 feet along the Westerly right of way line of said LaForge Road; thence North 89 degrees 58 minutes 50 seconds West, 534.00 feet; thence North 00 degrees 49 minutes 00 seconds East, 267.00 feet; thence North 89 degrees 58 minutes 50 seconds West, 62.00 feet; thence North 00 degrees 49 minutes 00 seconds East, 135.60 feet to a point on the Southerly right of way line of said Green Road; thence South 89 degrees 58 minutes 50 seconds East, 596.00 feet to the Point of Beginning.

NOTE FOR INFORMATION: Being Parcel No. 11-11-05-100-001 (Tract I), K-11-04-200-013 (Tract II) and 11-11-05-100-007 (Tract III), of the City of Ypsilanti, County of Washtenaw

NOTE: The Property tax parcel identification number is provided solely for informational purposes, without warranty as to accuracy or completeness and is not hereby insured.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

L: 5484 P: 293 6651122 D

05/26/2022 11:08 AM Total Pages: 6

Lawrence Kestenbaum, Washtenaw Co



Record and Return to:
 Madison Title Agency, LLC
 National Commercial Dept
 1125 Ocean Avenue
 Lakewood, NJ 08701
 MTA 174667

Handwritten: ✓
Stamp: REC'D EX

COVENANT DEED

Time Submitted for Recording
 Date 5/26 2022 Time 9:35am
 Lawrence Kestenbaum
 Washtenaw County Clerk/Register

Handwritten: (6)

KNOW ALL MEN BY THESE PRESENTS: that **THE PARK AT RIVER WOODS LP**, a Delaware limited partnership ("**Grantor**"), whose address is 7366 Lincoln Ave, Ste 304, Lincolnwood, IL 60712, hereby conveys, sets over and transfers to **VTP RIVER WOODS LLC**, a Delaware limited liability company ("**Grantee**"), whose address is 920 E. County Line Rd., Suite 103, Lakewood, New Jersey 08701, the certain real property situated in the City of Ypsilanti, Washtenaw County, State of Michigan, commonly known as 855 Green Road, Ypsilanti, Michigan as more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "**Real Property**"), together with all of Grantor's rights in all easements or rights-of-way abutting or adjoining and benefitting the Real Property; all air, mineral and riparian rights; all tenements, hereditaments, retention ponds, utilities, privileges and appurtenances belonging or in any way appertaining thereto; and all buildings, structures, parking areas, improvements, landscaping, timber, crops, and fixtures situated thereupon, for the full consideration set forth on the Real Estate Transfer Tax Valuation Affidavit, the receipt and sufficiency of which is hereby acknowledged, subject to the following: (i) real estate taxes and assessments not yet due and payable which have become a lien on the Real Property; (ii) those matters set forth in Exhibit B attached hereto; (iii) the rights of tenants under leases, as tenants only; (iv) matters arising out of any act of Grantee or its agents, employees or representatives; and (v) existing restrictions of record, easements for public utilities and driveways, and zoning ordinances (collectively, the "**Permitted Encumbrances**").

TO HAVE AND TO HOLD the Real Property in fee simple forever, unto Grantee, its legal representatives, successors and assigns, and Grantor does hereby covenant title to the above described property, rights and interests and binds itself and its legal representatives, successors and assigns to covenant and forever defend all and singular the above described property and interests unto the said Grantee, its successors, legal representatives and assigns, against the claims of all persons claiming by, through or under Grantor but not otherwise, subject, however, to the Permitted Encumbrances.

Aside from the Permitted Encumbrances, the Grantor covenants and agrees that the Grantor has not previously done or committed or willingly suffered to be done or committed any act, matter, or thing that would cause the premises or any part of them to be charged or encumbered in title, estate, or otherwise. The Grantor hereby covenants that it will defend the above-described property unto Grantee, its heirs and assigns, against the lawful claims and demands of all persons claiming by, from or under Grantor, but against no other claims or persons.

Handwritten: TTOB

Dated: May 12, 2022.

Time Submitted for Recording
 Date 5/24 2022 Time 10:38am
 Lawrence Kestenbaum
 Washtenaw County Clerk/Register

Time Submitted for Recording
 Date 5-17 2022 Time 10:11am
 Lawrence Kestenbaum
 Washtenaw County Clerk/Register

WASHTENAW COUNTY TREASURER
 TAX CERTIFICATE NO. B8029T13LK

(22)

IN WITNESS WHEREOF, this Covenant Deed has been executed to be effective as of the date first above written.

GRANTOR:


THE PARK AT RIVER WOODS LP
a Delaware limited partnership

By: 

Name: Yechiel Lopiansky
Its: Authorized representative

STATE OF MICHIGAN)
) ss.
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 16 day of May, 2022, by Yechiel Lopiansky, authorized representative of The Park at River Woods LP, a Delaware limited partnership, on behalf of the limited partnership.


Notary Public, State of _____
My Commission Expires: _____
Acting in the County of _____

MOSHE MORDECHAI SHERIZEN Notary Public, State of Michigan County of Oakland My Commission Expires May 29, 2024 Acting in the County of <u>Oakland</u>
--

DRAFTED BY:
Aidenbaum Schloff and Bloom PLLC
Elliott B. Indig
6960 Orchard Lake Road, Suite 250
West Bloomfield, Michigan 48322

AFTER RECORDING RETURN TO;
GRANTEE

SEND SUBSEQUENT TAX BILLS TO:
GRANTEE

EXHIBIT A TO DEED**LEGAL DESCRIPTION OF REAL PROPERTY**

Land situated in the City of Ypsilanti, County of Washtenaw, State of Michigan, more particularly described as follows: described as follows:

Starting at the Northeast corner of said Section 5, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan; thence West along the North line of the Northeast 1/4 of said section being also known as the centerline of Clark Road, a distance of 1056.00 feet to a point; thence South 0 degrees 49 minutes 00 seconds West along a line parallel to the East line of the Northeast 1/4 of said Section 5, being also known as the centerline of LeForge Road, a distance of 391.71 feet to a point of beginning of the premises hereinafter described; thence South 0 degrees 49 minutes 00 seconds West a distance of 228.69 feet to a point; thence East a distance of 417.00 feet to a point; thence South 0 degrees 49 minutes 00 seconds West a distance of 135.60 feet to a point; thence East, a distance of 62.00 feet to a point; thence South 00 degrees 49 minutes 00 seconds West a distance of 267.00 feet to a point; thence West a distance of 799.20 feet to the water's edge of Huron River; thence along the water's edge of Huron River in the following four courses: North 01 degrees 59 minutes 30 seconds West a distance of 144.08 feet; thence North 31 degrees 15 minutes 00 seconds West a distance of 163.19 feet; thence North 47 degrees 59 minutes 30 seconds West a distance of 191.98 feet; thence North 48 degrees 36 minutes 30 seconds West a distance of 28.13 feet; thence North 44 degrees 30 minutes 00 seconds East, a distance of 282.00 feet to a point; thence South 45 degrees 30 minutes 00 seconds East a distance of 35.00 feet to a point, thence North 43 degrees 18 minutes 31 seconds East a distance of 50.28 feet to a point; thence South 77 degrees 17 minutes 35 seconds East a distance of 32.40 feet; thence South 46 degrees 58 minutes 19 seconds a distance of 71.53 feet; thence North 44 degrees 30 minutes 00 seconds East a distance of 60.83 feet; thence East, a distance of 198.98 feet to a point of beginning, being part of the Northeast 1/4 of Section 5, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, except that part for Green Road as disclosed in Liber 1299, Page 216, Washtenaw County Records as described as follows: That part of the Northeast 1/4 of Section 5, Town 3 South, Range 7 East, formerly in Ypsilanti Township, now in the City of Ypsilanti, Washtenaw County, Michigan, bounded and described as follows: Starting at the Northeast 1/4 of said Section 5; thence due West along the North line of the Northeast 1/4 of said Section 5, being also the centerline of Clark Road, a distance of 1056.0 feet to the point of beginning; thence due West along the North line of the Northeast 1/4 of said Section 5, a distance of 33.0 feet to a point; thence South 0 degrees 49 minutes 00 seconds West parallel with the East line of the Northeast 1/4 of said Section 5, a distance of 620.4 feet to a point; thence due East, a distance of 33.0 feet to a point, thence North 0 degrees 49 minutes 00 seconds East, a distance of 620.4 feet to the point of beginning, being the same property as described in survey dated March 8, 1993 by Basney & Smith, Inc.

Commonly known as: 835-855 Green Road

Tax Parcel Number: 11-11-05-100-006

Being further described on a Survey prepared by Jonathan Murphy, PLS of Murphy Geomatics dated

3/16/2022 as follows:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE CITY OF YPSILANTI, COUNTY OF WASHTENAW, STATE OF MICHIGAN. STARTING AT THE NORTHEAST CORNER OF SAID SECTION 5, TOWN 3 SOUTH, RANGE 7 EAST, CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN; THENCE WEST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION BEING ALSO KNOWN AS THE CENTERLINE OF CLARK ROAD, A DISTANCE OF 1056.00 FEET TO A POINT; THENCE SOUTH 0 DEGREES 49 MINUTES 00 SECONDS WEST ALONG A LINE PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 5, BEING ALSO KNOWN AS THE CENTERLINE OF LEFORGE ROAD, A DISTANCE OF 391.71 FEET TO A POINT OF BEGINNING OF THE PREMISES HEREINAFTER DESCRIBED;

FROM THE POINT OF BEGINNING; THENCE, S 01° 51' 51" E FOR A DISTANCE OF 228.69 FEET TO A POINT; THENCE, N 87° 19' 05" E FOR A DISTANCE OF 417.00 FEET TO A POINT; THENCE, S 01° 51' 55" E FOR A DISTANCE OF 135.60 FEET TO A POINT; THENCE, N 87° 19' 05" E FOR A DISTANCE OF 62.00 FEET TO A POINT; THENCE, S 01° 51' 55" E FOR A DISTANCE OF 267.00 FEET TO A POINT; THENCE, S 87° 19' 05" W FOR A DISTANCE OF 799.20 FEET TO A POINT ALONG THE EDGE OF THE HURON RIVER; THENCE THE FOLLOWING 4 COURESES:

N 04° 40' 25" W FOR A DISTANCE OF 144.08 FEET TO A POINT;
N 33° 55' 55" W FOR A DISTANCE OF 163.19 FEET TO A POINT;
N 50° 40' 25" W FOR A DISTANCE OF 191.98 FEET TO A POINT;
N 51° 17' 25" W FOR A DISTANCE OF 28.13 FEET TO A POINT;

THENCE, N 41° 49' 05" E FOR A DISTANCE OF 282.00 FEET TO A POINT; THENCE, S 48° 10' 55" E FOR A DISTANCE OF 35.00 FEET TO A POINT; THENCE, N 40° 37' 36" E FOR A DISTANCE OF 50.28 FEET TO A POINT; THENCE, S 79° 58' 30" E FOR A DISTANCE OF 32.40 FEET TO A POINT; THENCE, S 49° 39' 14" E FOR A DISTANCE OF 71.53 FEET TO A POINT; THENCE, N 41° 49' 05" E FOR A DISTANCE OF 60.83 FEET TO A POINT; THENCE N 87° 19' 05" E A DISTANCE OF 198.98 FEET TO THE POINT OF BEGINNING. BEING PART OF THE NORTHEAST 1/4 OF SECTION 5, TOWN 3 SOUTH, RANGE 7 EAST, CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN, EXCEPT THAT PART FOR GREEN ROAD AS DISCLOSED IN LIBER 1299, PAGE 216, WASHTENAW COUNTY RECORDS AS DESCRIBED AS FOLLOWS: THAT PART OF THE NORTHEAST 1/4 OF SECTION 5, TOWN 3 SOUTH, RANGE 7 EAST, FORMERLY IN YPSILANTI TOWNSHIP, NOW IN THE CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN, BOUNDED AND DESCRIBED AS FOLLOWS: STARTING AT THE NORTHEAST 1/4 OF SAID SECTION 5; THENCE DUE WEST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 5, BEING ALSO THE CENTERLINE OF CLARK ROAD, A DISTANCE OF 1056.0 FEET TO THE POINT OF BEGINNING; THENCE DUE WEST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 5, NORTH 88 DEGREES 08 MINUTES 05 SECONDS EAST, A DISTANCE OF 33 FEET TO A POINT; THENCE SOUTH 1 DEGREES 51 MINUTES 51 SECONDS WEST PARALLEL WITH THE EAST LINE OF THE

NORTHEAST 1/4 OF SAID SECTION 5, A DISTANCE OF 620.4 FEET TO A POINT; THENCE SOUTH 87 DEGREES 19 MINUTES 05 SECONDS WEST, A DISTANCE OF 33 FEET TO A POINT, THENCE NORTH 1 DEGREES 51 MINUTES 51 SECONDS EAST, A DISTANCE OF 620.4 FEET TO THE POINT OF BEGINNING.

For information only: Address reference: 815-855 Green Road, Ypsilanti, Michigan 48198

NOTE FOR INFORMATION: Being Parcel No. 11-11-05-100-006, of the City of Ypsilanti, County of Washtenaw.

EXHIBIT B TO DEED

PERMITTED ENCUMBRANCES

1. Agreement made by and between Mill Development Company and the City of Ypsilanti recorded on July 17, 1967 in Liber 1207 Page 543.
2. Easement granted to the City of Ypsilanti recorded on November 17, 1967 in Liber 1225 Page 180, as shown on Survey.
3. Agreement made by and between Mill Development Company and The Detroit Edison Company recorded on February 13, 1968 in Liber 1234 Page 421.
4. Easement Grant and Declaration of Restrictions granted to The Detroit Edison Company and Michigan Bell Telephone Company recorded on January 11, 1968 in Liber 1243 Page 186.
5. Agreement made by and between Mill Development Company and the City of Ypsilanti recorded in Liber 1299 Page 217.
6. Easement granted to the City of Ypsilanti recorded on December 12, 1969 in Liber 1311 Page 65.
7. Agreement - Easement - Restrictions by and between Detroit Edison Company, et al. and Michigan Bell Telephone Company recorded on April 16, 1971 in Liber 1354 Page 375.
8. Agreement - Easement - Restrictions granted to the Detroit Edison Company recorded on June 21, 1971 in Liber 1361 Page 112.
9. Memorandum of Agreement made by and between Huron View Properties, L.L.C. and Comcast of the South, Inc. recorded on August 5, 2009 in Liber 4746 Page 426.
10. Survey prepared by Jonathan Murphy, PLS of Murphy Geomatics dated 3/16/2022, last revised _____, discloses the following:
 - a. Asphalt extends beyond northerly property line;
 - b. Stairway extends beyond southerly property line;
 - c. Rights of others, both public and private, in and to overhead wires, utility poles, fire hydrants, electrical utility and any other utility equipment on or crossing subject property;

Ordinance No. 854

AN ORDINANCE TO ADD CHAPTER 66 **RESIDENTIAL LEASES** TO TITLE VI **HEALTH REGULATIONS** OF THE CODE OF THE CITY OF YPSILANTI

THE CITY OF YPSILANTI ORDAINS:

That Chapter 66 **Residential Leases** be added to Title VI **Health Regulations** of the Ypsilanti City Code.

That Section 6.300 **Lease or License of Residential Premises** be add to Chapter 66 **Residential Leases** of the Ypsilanti City Code to read as follows:

6.300 Lease or License of Residential Premises.

- (1) In every lease or license of residential premises, the lessor or licensor covenants:
 - (a) That the premises and all common areas are fit for the use intended by the parties.
 - (b) To keep the premises in reasonable repair during the term of the lease or license, and to comply with the applicable health and safety laws of the state and of the City of Ypsilanti, except when the disrepair or violation of the applicable health or safety laws has been caused by the tenants wilful or irresponsible conduct or lack of conduct. Any residential premise failing to have a valid certificate of compliance from the City of Ypsilanti Building Inspection Department is not in compliance with the health and safety laws of the City of Ypsilanti.
- (2) The parties to the lease or license may modify the obligations imposed by this section where the lease or license has a current term of at least 1 year.
- (3) The provisions of this section shall be liberally construed, and the privilege of a prospective lessee or licensee to inspect the premises before concluding a lease or license shall not defeat his or her right to have the benefit of the covenants established herein.
- (4) No lessee or licensee shall be obligated to pay rent for any time periods that the lessor or licensor is in violation of this ordinance. Such



RECEIVED
APR 12 2024
CITY OF YPSILANTI
BUILDING DEPARTMENT

City of Ypsilanti Building Department

One South Huron • Ypsilanti, MI 48197
Phone: (734) 482-1025 • Fax: (734) 483-7444
www.cityofypsilanti.com

Building Permit & Plan Review Application

Separate Applications Must Be Completed for Electrical, Mechanical, Plumbing & Signs

Faxed or emailed applications cannot be accepted

Office Use Only:

Receipt: _____

Method: _____

I. Owner/Contractor Information

Property (Job Location)	Address <u>772 GREEN RD, YPSILANTI, MI</u>		Parcel Number	
	Between <u>ARBOR 1</u>	And <u>GREEN</u>	Number of Apts./Suites <u>22</u>	Owner Occupied <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Owner/Agent	Name <u>VTP ARBOR 1 LLC</u>		Phone: <u>972 839 6617</u>	
	Address <u>ARBOR 1</u> <u>* SCOTTSDALE AZ</u>		Cell: Email: <u>PD@FINESSECONSTRUCTION.COM</u>	
Contractor Information <small>If work is being done by owner/agent skip to next section</small>	Company / Licensee <u>#242400170 JEFFREY SCHUH</u>		Phone: <u>734-772-3195</u>	
	Address <u>4293 LILAC LN, YPSILANTI, MI</u>		Email: <u>JEFFREY.A.SCHUH@gmail</u>	
Federal Employer ID # (or reason for exemption)		Worker's Comp Carrier (or reason for exemption)	MESC Employer # (or reason for exemption)	
Architect/Engineer	Name		Phone:	
	Address		Email: License# Expiration	

II. Property/Land Information

Historic District	Zoning District	Flood Zone	Number/Type of Structures Currently on Property	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> House <input type="checkbox"/> Garage <input type="checkbox"/> Shed <input checked="" type="checkbox"/> Other: <u>APARTMENT</u>	

III. Building Information

<input checked="" type="checkbox"/> Residential		<input type="checkbox"/> Commercial	
<input type="checkbox"/> Single Family	<input type="checkbox"/> Hotel/Motel	<input type="checkbox"/> Multi-Family (# units _____)	<input type="checkbox"/> Office
<input type="checkbox"/> Two Family	<input type="checkbox"/> Pole Barn/Shed	<input type="checkbox"/> Mercantile/Retail	<input type="checkbox"/> Public Utility
<input type="checkbox"/> Detached Garage	<input checked="" type="checkbox"/> Other <u>APARTMENT</u>	<input type="checkbox"/> Industrial	<input type="checkbox"/> Hospital
			<input type="checkbox"/> Church
			<input type="checkbox"/> Restaurant/Bar
			<input type="checkbox"/> Other _____

IV. Proposed Use of Building and Type of Improvement

<input type="checkbox"/> New Building	<input type="checkbox"/> Addition	<input type="checkbox"/> Windows	<input type="checkbox"/> Re-Roof	<input type="checkbox"/> Foundation	<input type="checkbox"/> Accessory Structure (garage, shed, pool, etc.)
<input type="checkbox"/> Alteration	<input type="checkbox"/> Repair	<input type="checkbox"/> Deck/Porch	<input type="checkbox"/> House	<input type="checkbox"/> Garage	<input checked="" type="checkbox"/> Demolition
<input type="checkbox"/> Other _____					

Are there/will there be additional permits for this project? ☐ None ☒ Building ☒ HDC ☒ Electrical ☒ Mechanical ☒ Plumbing

Description of proposed work (please specify apartment/suite numbers):

FIRE DAMAGED UNIT(S) 301 & 302: PROPOSED DEMO BOTH UNITS TO STUDS &
REBUILDING: DEMO UNITS 101 & 102 TO STUDS DUE TO WATER DAMAGE
AND REBUILDING

V. Construction Value *

OFFICE USE ONLY

* Must be based on market value of labor and materials		Additional Reviews		Date Received	Permit Fee	\$
Building	\$	<input type="checkbox"/> Planning/Zoning/HDC	<input type="checkbox"/> Yes <input type="checkbox"/> No		Plan Review	\$
Electrical	\$	<input type="checkbox"/> DPS/MDOT	<input type="checkbox"/> Yes <input type="checkbox"/> No		Contractor Reg.	\$
Mechanical	\$	<input type="checkbox"/> Health Dept.	<input type="checkbox"/> Yes <input type="checkbox"/> No		HDC Fee	\$
Plumbing	\$	<input type="checkbox"/> Soil Erosion	<input type="checkbox"/> Yes <input type="checkbox"/> No		Administrative Fee	\$
Other	\$	<input type="checkbox"/> YCUA	<input type="checkbox"/> Yes <input type="checkbox"/> No		Certificate of Occ.	\$
Total	\$ <u>39,000</u>	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		Fee Total	\$

VI. Plan Review

Plans must be submitted with this application before a permit can be issued, except as listed below.

Plans are not required for alterations and repair work **determined by the Building Official** to be of a minor nature.

Plans and specifications are required for all other building types and shall be prepared by, or under the direct supervision of, an architect or engineer licensed pursuant to 1980 PA 299 and shall bear that architect's or engineer's seal and signature.

Plan Review Required ☐ Yes ☐ No

Plan Submission Date: _____

You MUST submit three copies of plans. At least one set must be no larger than 11 x 17

VII. Homeowner Affidavit

HOMEOWNERS: I hereby certify that I am the bona fide homeowner of the above property. I am familiar with the provisions of the applicable ordinances and rules and hereby agree to make this installation or construction in conformance with the ordinance. I realize that in making this application, I assume the responsibility of a licensed contractor for the work mentioned in this permit. I agree to notify the Building Department after the work is completed so that the Department may make its required inspection(s). I further agree to keep all parts of this work exposed until approved by the inspector.

Signature (*Homeowners Only*) _____

Printed Name and Address _____

Date _____

VIII. Applicant Signature

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

APPLICANT IS RESPONSIBLE FOR THE PAYMENT OF ALL APPLICABLE FEES AND CHARGES ASSOCIATED WITH THIS APPLICATION.

SECTION 23A of the State Construction Code Act of 1972, Act No. 230 of Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of this State relating to persons who perform work on a residential building or a residential structure. Violators of Section 23a are subjected to civil fines.

Signature of Applicant _____

Printed Name of Applicant _____

Date _____

How would you like the permit to be sent? ☐ Email ☐ U.S. Mail

It is recommended that if you are hiring a contractor to do the work proposed on this application, that the contractor be the one to obtain permits. Permits will not be closed until a final inspection has been completed and approved by the Building Department.

Frequent Contacts:

Miss Dig (800) 482-7171
YCUA (734) 484-4600
DTE (800) 477-4747

Washtenaw County Soil Erosion (734) 222-6860
Washtenaw County Health Dept. (734) 544-6700
City Building Inspection Line (734) 482-1025

OFFICE USE ONLY

ZONING NOTES: Zoning District: _____ Use: _____

Setbacks – Front: _____ Side: _____ Side: _____ Rear: _____

Notes: _____

☐ Approved ☐ Disapproved Reviewed By: _____ Date: _____

HISTORIC DISTRICT: ☐ Yes ☐ No

Notes: _____

☐ Approved ☐ Disapproved Reviewed By: _____ Date: _____

BUILDING NOTES: Use: RZ Construction Type: VB Code Edition(s): 2015 MICH PENAS

Notes: Interior Demo Permit

☒ Approved ☐ Disapproved Reviewed By: [Signature] Date: 4/16/24

**CITY OF YPSILANTI**

BUILDING INSPECTION & ORDINANCE
ENFORCEMENT DEPARTMENT
ONE SOUTH HURON STREET
YPSILANTI MI 48197

DEMOLITION PERMIT CHECK LISTProperty Address: 772 GREEN ROAD, YPSILANTI, MIOwner Name: ARBOR ONEPermit Applicants Name: JEFFREY SCHUH

Before a permit may be issued, all of the documentation must be provided or justified as non-applicable (N/A).

- ☒ 1. **WATER/SEWER DISCONNECTION NOTICE**, contact YCUA at 734-484-4600. Plumbing permit for inspection of cap-off water and sewer, or inspection of wells, septic tanks or cisterns are required. Minimum Plumbing Permit fee is charged (Note: a licensed plumber is not required for purpose of this permit).
- ☒ 2. **ELECTRICAL DISCONNECTION NOTICE**, contact DTE Energy at 800-477-4747.
- ☒ 3. **GAS DISCONNECTION NOTICE**, contact DTE Energy at 800-477-4747.
- ☒ 4. **SOIL EROSION AND SEDIMENTATION** permit must accompany application if your project is within 500 Feet of a lake, body of water, stream or county drain. Contact Washtenaw County Soil Erosion and Sedimentation Control at 734-222-6860
- ☒ 5. **RIGHT-OF-WAY PERMIT**, for authorization of any work within the Public Right-of-Way contact Department of Public Services 734-483-1421.
- ☒ 6. **PEDESTRIAN PROTECTION and/or CONSTRUCTION SITE SAFETY PLAN.**
- ☒ 7. **PLOT/SITE PLAN** shall be provided for all construction types.
- ☒ 8. **PROOF OF OWNERSHIP**, recorded deed. Contact the Washtenaw County Register of Deeds at 734-222-6710.
- ☒ 9. **PROPERTY CODE/TAX IDENTIFICATION NUMBER** for all subject parcels.
- ☒ 10. **HAZARDOUS MATERIALS REPORT.**
- ☒ 11. **RESIDENTIAL BUILDERS LICENSING** information shall be provided for all residential structures.
- ☒ 12. **PLANNING & DEVELOPMENT** approval is required for all demolition permits.
- ☒ 13. **NEIGHBORHOOD NOTIFICATION:** 72 hours prior to the commencement of work the applicant shall notify the adjacent property owners and property owners on both sides of the block of the proposed activity. Acceptable methods would include direct mail, door hangers or fliers.

Yes-No Is the proposed building and/or structure within 500 feet of a body of water? Will the excavated area include an acre or more? If yes, a **Soil Erosion and Sedimentation Permit** shall be obtained from the Washtenaw County Soil Erosion and Sedimentation Control. No site work shall begin until a valid permit has been issued.

I understand Public Act 230, Section 10 requires that I obtain a building permit prior to starting construction/demolition.

Jeffrey Schuh
Applicant Signature

4-12-24
Date



Environmental Resources Group

Assessment • Remediation • Compliance • Risk Management

ASBESTOS-CONTAINING MATERIAL BUILDING INSPECTION REPORT



**ARBOR ONE APARTMENTS
799 GREEN ROAD
YPSILANTI, MICHIGAN 48198**

PREPARED FOR:

**FINESSE CONSTRUCTION, LLC
825 MARKET STREET, BUILDING M #250
ALLEN, TEXAS 75013
ATTENTION: KENNETH SHANNON**

PREPARED BY:

**ENVIRONMENTAL RESOURCES GROUP, LLC.
3125 SOVEREIGN DRIVE, SUITE 9B
LANSING, MICHIGAN 48911**

ERG PROJECT NO.: 240179

PROJECT DATE: FEBRUARY 28 & MARCH 4, 2024

FINAL REPORT DATE: APRIL 3, 2024

1.0 INTRODUCTION

Environmental Resources Group, LLC. (ERG) was retained by Finesse Construction, LLC to perform an inspection for asbestos-containing materials (ACM) at Arbor One Apartments, 799 Green Road, Ypsilanti, Michigan. The project was discussed with Kenneth Shannon prior to beginning the fieldwork.

The inspection included the collection of an appropriate number and distribution of bulk asbestos samples pursuant to the inspection requirements of the Michigan Occupational Safety and Health Administration (MIOSHA) General Industry Standard for Asbestos, Part 305, the Environmental Protection Agency (EPA) Supplemental Sampling Bulletin dated September 30, 1994, and current industry standards. This inspection was designed to identify ACM within the building.

The scope of this certification was limited to accessible areas of the fire-damaged apartments.

1.1 CERTIFICATION

The inspection was conducted, and the samples collected by Kaleb Schetter, a State of Michigan Accredited Asbestos Building Inspector. A copy of his asbestos inspector accreditation appears in Appendix A.

All bulk asbestos samples were submitted to Apex Research, Inc. for asbestos analysis by Polarized Light Microscopy (PLM) with dispersion staining. The bulk asbestos samples were analyzed using EPA Method 600/R-93/116. Apex Research, Inc. maintains current National Voluntary Laboratory Accreditation Program (NVLAP) accreditation (Lab Code 102118-0). A copy of the Apex Research, Inc. NVLAP certificate of accreditation can be found in Appendix B.

1.2 GENERAL INSPECTION PROCEDURES

In an effort to identify ACM, the following inspection procedure was followed: A visual inspection within the accessible portions of the fire damaged apartments was combined with the collection of an appropriate number and distribution of bulk asbestos samples.

Determination of suspect ACM was based on visual examination and bulk sample analysis. Specifically, materials similar in color and texture were classified into homogenous areas (*e.g.*, white, original construction drywall).

Destructive testing (*i.e.*, demolition) was not conducted as part of this building inspection. Some ACM hidden from view (*e.g.*, pipe insulation in unknown pipe chases, vermiculite in cinderblock wall cavities, underground utility pipe insulation) may be present, and was not accounted for as part of this inspection.

3.0 SUMMARY OF ASBESTOS-CONTAINING MATERIALS

The following materials were sampled, tested, and found to contain asbestos at Arbor One Apartments, 799 Green Road, Ypsilanti, Michigan:

- HA 2 white mud joint compound on drywall
- HA 15 black sink undercoating
- HA 31 black caulk

The following homogenous materials were sampled, tested, and found not to contain asbestos at Arbor One Apartments, 799 Green Road, Ypsilanti, Michigan:

- HA 1 roof shingle, black, gray underlayer
- HA 3 cove base, blue, yellow mastic
- HA 4 floor tile, gray, yellow mastic
- HA 5 cinderblock mortar, gray
- HA 6 glue pods, white
- HA 7 foundation concrete, gray
- HA 8 caulk, white
- HA 9 laminate floor, gray, black mastic
- HA 10 1"x1" ceramic floor tile bedding compound, gray
- HA 11 transition strip, brown
- HA 12 carpet mastic, white, underlayer foam
- HA 13 door insulation material, white
- HA 14 ceramic shower wall tile, white, yellow mastic
- HA 16 wood pattern laminate flooring, black mastic
- HA 17 insulation material, yellow
- HA 18 balcony floor tile bedding compound, gray
- HA 19 caulk, beige
- HA 20 brick mortar, gray
- HA 21 caulk, gray
- HA 22 laminate bathroom flooring, beige, black underlayer
- HA 23 laminate flooring, brown, black underlayer
- HA 24 stairwell carpet, blue, white mastic
- HA 25 12"x12" ceramic floor tile bedding compound, red
- HA 26 patterned ceiling texture, white
- HA 27 transition strip, gray
- HA 28 patterned gray laminate floor, black backing

4.0 CONCLUSIONS

Based on the findings of the inspection and the results of the sample analysis, the following conclusions were drawn:

Undamaged, non-friable (cannot be crumbled, pulverized, or reduced to powder by hand pressure when dry) and friable (can be crumbled, pulverized, or reduced to powder by hand pressure when dry) known asbestos-containing materials were discovered during the course of this inspection. Specifically, drywall joint compound (and by extension, drywall), sink undercoating, and black caulk were identified as ACM. During any future maintenance, renovation, or demolition, any ACM likely to become friable must be removed by trained, accredited, protected individuals prior to their disturbance by future renovation or demolition pursuant to the requirements of MIOSHA Asbestos in Construction Industry Standard, Part 602, and, in the case of demolition, the EPA Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), in the case of demolition.

Drywall, contaminated by ACM drywall joint compound, must also be considered ACM.

This inspection was conducted pursuant to the requirement of the Michigan General Industry Standard for Asbestos, the EPA Sampling Bulletin and current industry standards. This inspection may not satisfy the pre-demolition inspection requirements of the Asbestos NESHAP.



Kaleb Schetter
Michigan Accredited Asbestos Inspector
Card #A54546



Phillip A. Peterson
Senior Project Manager

State of Michigan
Department of Labor and Economic Opportunity
Michigan Occupational Safety & Health Administration - Asbestos Program

Asbestos Inspector


Kaleb J. Schetter
1029 East Jarvis Avenue
Hazel Park, MI 48030





Accreditation Number **Expiration Date**
A54546 **01/23/2025**

DOB: 08/03/1997

This individual has satisfactorily met or exceeded the requirements of Michigan Public Act 440 of 1988, as amended, to be accredited as an Asbestos Inspector

Accreditation card is not valid if altered **166842**

APPENDIX B

APEX RESEARCH, INC. SCOPE AND CERTIFICATE OF NVLAP ACCREDITATION



United States Department of Commerce
National Institute of Standards and Technology



Certificate of Accreditation to ISO/IEC 17025:2017

NVLAP LAB CODE: 102118-0

Apex Research, Inc.
Brighton, MI

is accredited by the National Voluntary Laboratory Accreditation Program for specific services,
listed on the Scope of Accreditation, for:

Asbestos Fiber Analysis

This laboratory is accredited in accordance with the recognized International Standard ISO/IEC 17025:2017.
This accreditation demonstrates technical competence for a defined scope and the operation of a laboratory quality
management system (refer to joint ISO-ILAC-IAF Communiqué dated January 2009).

2023-10-01 through 2024-09-30

Effective Dates



A handwritten signature, appearing to read "Peter S. Lander", is written over a horizontal line.

For the National Voluntary Laboratory Accreditation Program

Address: 799 Green Road, Ypsilanti, Michigan
 ERG Project No.: 240179
 Date: 3/6/2024

ASBESTOS FIELD DATA SHEETS

ERG Sample ID	Description	Sample Locations	Condition	Friable/Non-Friable (F/NF)	Building Material Type (S/T/M)	Percentage and Type of Asbestos	Quantity of ACM
HA-1A	Roof shingle, black, gray underlayer	Roof (3rd floor hall)	Damaged	F	M	N/A	
HA-1B	Roof shingle, black, gray underlayer	Roof (Room 304)	Damaged	F	M	N/A	
HA-2A	Drywall with mud joint compound, white	3rd floor hall straight	Significantly damaged	F	M	2% CHR.	92,136 SF
HA-2B	Drywall with mud joint compound, white	Room 303 convex	Significantly damaged	F	M	2% CHR.	92,136 SF
HA-2C	Drywall with mud joint compound, white	Room 207 concave	Undamaged	F	M	2% CHR.	92,136 SF
HA-3A	Cove base, blue, yellow mastic	3rd floor laundry	Undamaged	NF	M	N/A	
HA-3B	Cove base, blue, yellow mastic	2nd floor laundry	Undamaged	NF	M	N/A	
HA-4A	Floor tile, gray, yellow mastic	3rd floor laundry	Undamaged	NF	M	N/A	
HA-4B	Floor tile, gray, yellow mastic	2nd floor laundry	Undamaged	NF	M	N/A	
HA-5A	Cinderblock mortar, gray	3rd floor boiler room	Undamaged	NF	M	N/A	
HA-5B	Cinderblock mortar, gray	2nd floor storage	Undamaged	NF	M	N/A	
HA-6A	Glue pods, white	3rd floor boiler room	Undamaged	F	M	N/A	
HA-6B	Glue pods, white	3rd floor boiler room	Undamaged	F	M	N/A	
HA-7A	Foundational concrete, gray	3rd floor boiler room	Undamaged	NF	M	N/A	
HA-7B	Foundational concrete, gray	1st floor electrical room	Undamaged	NF	M	N/A	
HA-8A	Caulk, white	3rd floor laundry	Undamaged	F	M	N/A	
HA-8B	Caulk, white	1st floor laundry	Undamaged	F	M	N/A	
HA-9A	Laminate floor, gray, black mastic	3rd floor hall	Undamaged	NF	M	N/A	
HA-9B	Laminate floor, gray, black mastic	Room 107 living room	Undamaged	NF	M	N/A	
HA-10A	1"x1" ceramic floor bedding compound, gray	Room 303 bathroom	Undamaged	NF	M	N/A	
HA-10B	1"x1" ceramic floor bedding compound, gray	Room 308 bathroom	Undamaged	NF	M	N/A	
HA-11A	Transition strip, brown	Room 303 bedroom	Undamaged	NF	M	N/A	
HA-11B	Transition strip, brown	Room 308 bedroom	Undamaged	NF	M	N/A	
HA-12A	Carpet mastic, white with underlayer	Room 303 bedroom	Undamaged	F	M	N/A	
HA-12B	Carpet mastic, white with underlayer	Room 308 bedroom	Undamaged	F	M	N/A	

Address: 799 Green Road, Ypsilanti, Michigan
ERG Project No.: 240179
Date: 3/6/2024

ASBESTOS FIELD DATA SHEETS

ERG Sample ID	Description	Sample Locations	Condition	Friable/Non-Friable (F/NF)	Building Material Type (S/T/M)	Percentage and Type of Asbestos	Quantity of ACM
HA-24B	Stairwell carpet, blue, white mastic	1st floor stairs south	Undamaged	F	M	N/A	
HA-25A	12"x12" ceramic floor tile bedding compound, red	Room 208 bathroom	Undamaged	NF	M	N/A	
HA-25B	12"x12" ceramic floor tile bedding compound, red	Room 107 bathroom	Undamaged	NF	M	N/A	
HA-26A	Patterned ceiling beads, white	Room 205 ceiling	Undamaged	F	M	N/A	
HA-26B	Patterned ceiling beads, white	Room 205 ceiling	Undamaged	F	M	N/A	
HA-27A	Transition strip, gray	Room 204 bedroom	Undamaged	NF	M	N/A	
HA-27B	Transition strip, gray	Room 102 front door	Undamaged	NF	M	N/A	
HA-28A	Patterned laminate floor, gray, black backing	Room 104 kitchen	Undamaged	NF	M	N/A	
HA-28B	Patterned laminate floor, gray, black backing	Room 108 hallway	Undamaged	NF	M	N/A	
HA-29A	Transition strip, black	Room 108 bedroom	Undamaged	NF	M	N/A	
HA-29B	Transition strip, black	Room 108 bedroom	Undamaged	NF	M	N/A	
HA-30A	Transition strip, tan	Room 108 bedroom	Undamaged	NF	M	N/A	
HA-30B	Transition strip, tan	Room 108 bedroom	Undamaged	NF	M	N/A	
HA-31A	Caulk, black	Exterior outside electrical room	Undamaged	F	M	10% CHR.	10 LF
HA-31B	Caulk, black	Exterior outside electrical room	Undamaged	F	M	10% CHR.	10 LF
HA-32A	Ceiling glue, yellow	3rd floor hall	Damaged	F	M	N/A	
HA-32B	Ceiling glue, yellow	3rd floor hall	Damaged	F	M	N/A	

Notes:

S - Surfacing Material

T - Thermal Systems Insulation

M - Miscellaneous

NAD - No Asbestos Detected

LF - Linear Feet

ft² - Square Feet

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Test Method, Polarized Light Microscopy (PLM)



Project: Arbor One
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Report To:

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28003 Center Oaks Ct., Suite 106
Wixom, MI 48393

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Date Collected: 02/28/24
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Date Analyzed: 03/04/24
Date Reported: 03/05/24

Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 01 Cust. #: HA-1A Material: Roof Shingle, Black Location: Roof Appearance: black, fibrous, nonhomogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Fiberglass - 30% Other - 70%
Lab ID #: 109043 - 01a Cust. #: HA-1A Material: Grey Underlayer - Drywall Location: Roof Appearance: white, fibrous, nonhomogenous Layer: 2 of 2	Asbestos Present: NO No Asbestos Observed	Cellulose - 20% Other - 80%
Lab ID #: 109043 - 02 Cust. #: HA-1B Material: Roof Shingle, Black Location: Roof Appearance: black, fibrous, nonhomogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Fiberglass - 30% Other - 70%

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 04 Cust. #: HA-2B Material: Drywall, White Location: 303 Appearance: white, fibrous, nonhomogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Cellulose - 20% Other - 80%
Lab ID #: 109043 - 04a Cust. #: HA-2B Material: Mud Joint Compound Location: 303 Appearance: white, fibrous, homogenous Layer: 2 of 2	Asbestos Present: YES Chrysotile - 2%	Other - 98%
Lab ID #: 109043 - 05 Cust. #: HA-2C Material: Drywall, White Location: 207 Appearance: white, fibrous, nonhomogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Cellulose - 20% Other - 80%

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 07 Cust. #: HA-3B Material: Cove Base, Blue Location: 2nd Floor Laundry Appearance: blue,nonfibrous,homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 07a Cust. #: HA-3B Material: Yellow Mastic Location: 2nd Floor Laundry Appearance: yellow,nonfibrous,homogenous Layer: 2 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 08 Cust. #: HA-4A Material: Floor Tile, Grey Location: 3rd Floor Laundry Appearance: blue,nonfibrous,homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 10 Cust. #: HA-5A Material: Cinderblock Mortar, Grey Location: 3rd Floor Boiler Room Appearance: grey,nonfibrous,homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 11 Cust. #: HA-5B Material: Cinderblock Mortar, Grey Location: 2nd Floor Storage Appearance: grey,nonfibrous,homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 12 Cust. #: HA-6A Material: Glue Pods, White Location: 3rd Floor Boiler Room Appearance: white,nonfibrous,homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 16 Cust. #: HA-8A Material: Caulk, White Location: 3rd Floor Laundry Appearance: white, nonfibrous, homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 17 Cust. #: HA-8B Material: Caulk, White Location: 1st Floor Laundry Appearance: white, nonfibrous, homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 18 Cust. #: HA-9A Material: Laminate Floor, Grey Location: 3rd Floor Hall Appearance: grey, nonfibrous, homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 20 Cust. #: HA-10A Material: 1"x1" Ceramic Floor Tile Location: 303 Bathroom Appearance: white,nonfibrous,homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 20a Cust. #: HA-10A Material: Bedding Compound, Grey Location: 303 Bathroom Appearance: grey,nonfibrous,homogenous Layer: 2 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 21 Cust. #: HA-10B Material: 1"x1" Ceramic Floor Tile Location: 308 Bathroom Appearance: white,nonfibrous,homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%

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Page 11 of 35

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 24 Cust. #: HA-12A Material: Carpet Mastic, White Location: 303 Bedroom Appearance: white,nonfibrous,homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 24a Cust. #: HA-12A Material: Underlayer - Foam Location: 303 Bedroom Appearance: multi,nonfibrous,homogenous Layer: 2 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 25 Cust. #: HA-12B Material: Carpet Mastic, White Location: 308 Bedroom Appearance: white,nonfibrous,homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 28 Cust. #: HA-14A Material: Ceramic Shower Wall Tile, White Location: 306 Bathroom Appearance: white, nonfibrous, homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 28a Cust. #: HA-14A Material: Yellow Mastic Location: 306 Bathroom Appearance: yellow, nonfibrous, homogenous Layer: 2 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 29 Cust. #: HA-14B Material: Ceramic Shower Wall Tile, White Location: 108 Bathroom Appearance: white, nonfibrous, homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%

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Page 15 of 35

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 32 Cust. #: HA-16A Material: Wood Pattern Laminate Flooring Location: 306 Kitchen Appearance: brown, nonfibrous, homogenous Layer: 1 of 4	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 32a Cust. #: HA-16A Material: Black Mastic Location: 306 Kitchen Appearance: clear, nonfibrous, homogenous Layer: 2 of 4	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 32b Cust. #: HA-16A Material: Linoleum Location: 306 Kitchen Appearance: white, fibrous, nonhomogenous Layer: 3 of 4	Asbestos Present: NO No Asbestos Observed	Cellulose - 2% Fiberglass - 10% Other - 88%

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 33b Cust. #: HA-16B Material: Linoleum Location: 205 Bathroom Appearance: white, fibrous, nonhomogenous Layer: 3 of 4	Asbestos Present: NO No Asbestos Observed	Cellulose - 2% Fiberglass - 10% Other - 88%
Lab ID #: 109043 - 33c Cust. #: HA-16B Material: Glue Location: 205 Bathroom Appearance: yellow, nonfibrous, homogenous Layer: 4 of 4	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 34 Cust. #: HA-17A Material: Insulation Material, Yellow Location: 304 Ceiling Appearance: yellow, fibrous, homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Fiberglass - 80% Other - 20%

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Page 19 of 35

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 37 Cust. #: HA-18B Material: Balcony Floor Tile, Grey Location: 308 Balcony Appearance: grey, nonfibrous, homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 37a Cust. #: HA-18B Material: Bedding Compound Location: 308 Balcony Appearance: beige, nonfibrous, homogenous Layer: 2 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 38 Cust. #: HA-19A Material: Caulk, Beige Location: 308 Balcony Appearance: beige, fibrous, homogenous Layer: 1 of 1	Asbestos Present: YES Chrysotile - 5%	Other - 95%

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Page 21 of 35

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Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 42 Cust. #: HA-21A Material: Caulk, Grey Location: 308 Balcony Appearance: grey,nonfibrous,homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 43 Cust. #: HA-21B Material: Caulk, Grey Location: 307 Balcony Appearance: grey,nonfibrous,homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 44 Cust. #: HA-22A Material: Laminate Bathroom Flooring, Beige Location: 308 Bathroom Appearance: beige,nonfibrous,homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%

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APEX Research Inc., 7717 Kensington Ct., Brighton, MI 48116
(734) 449-9990, Fax (734) 449-9991

Page 23 of 35

Certificate of Laboratory Analysis

Test Method, Polarized Light Microscopy (PLM)



Project: Arbor One
Project #: 240179

Report To:

Mr. Phil Peterson / Mr. Kaleb Schetter
Environmental Resource Group
28003 Center Oaks Ct., Suite 106
Wixom, MI 48393

ARI Report # 24-109043
Date Collected: 02/28/24
Date Received: 02/29/24
Date Analyzed: 03/04/24
Date Reported: 03/05/24

Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 46 Cust. #: HA-23A Material: Laminate Flooring, Brown Location: 308 Living Room Appearance: brown,nonfibrous,homogenous Layer: 1 of 3	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 46a Cust. #: HA-23A Material: Glue Location: 308 Living Room Appearance: yellow,nonfibrous,homogenous Layer: 2 of 3	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 46b Cust. #: HA-23A Material: Black Underlayer - Foam Location: 308 Living Room Appearance: black,nonfibrous,homogenous Layer: 3 of 3	Asbestos Present: NO No Asbestos Observed	Other - 100%

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

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(734) 449-9990, Fax (734) 449-9991

Page 25 of 35

Certificate of Laboratory Analysis

Test Method, Polarized Light Microscopy (PLM)



Project: Arbor One
Project #: 240179

Report To:

Mr. Phil Peterson / Mr. Kaleb Schetter
Environmental Resource Group
28003 Center Oaks Ct., Suite 106
Wixom, MI 48393

ARI Report # 24-109043
Date Collected: 02/28/24
Date Received: 02/29/24
Date Analyzed: 03/04/24
Date Reported: 03/05/24

Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 47c Cust. #: HA-23B Material: Glue Location: 207 Kitchen Appearance: yellow,nonfibrous,homogenous Layer: 4 of 6	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 47d Cust. #: HA-23B Material: Floor Tile Location: 207 Kitchen Appearance: beige,nonfibrous,homogenous Layer: 5 of 6	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 47e Cust. #: HA-23B Material: Glue Location: 207 Kitchen Appearance: clear,nonfibrous,homogenous Layer: 6 of 6	Asbestos Present: NO No Asbestos Observed	Other - 100%

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

Test Method EPA 40 CFR - Part 763 and/or EPA 600/R-93/116 was used to analyze the above samples. Matrix interference and/or resolution limits may yield false/negative results in certain circumstances. Suspect floor tiles containing <1% should be tested with SEM or TEM. This certificate of analysis relates only to the samples as submitted and to insure the integrity of the results, may only be reproduced in full. This certificate must not be used by the customer to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government. Liability limited to cost of analysis.



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Certificate of Laboratory Analysis

Test Method, Polarized Light Microscopy (PLM)



Project: Arbor One
Project #: 240179

Report To:

Mr. Phil Peterson / Mr. Kaleb Schetter
Environmental Resource Group
28003 Center Oaks Ct., Suite 106
Wixom, MI 48393

ARI Report # 24-109043
Date Collected: 02/28/24
Date Received: 02/29/24
Date Analyzed: 03/04/24
Date Reported: 03/05/24

Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 49a Cust. #: HA-24B Material: White Mastic Location: 1st Floor South Stairs Appearance: white, nonfibrous, homogenous Layer: 2 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 50 Cust. #: HA-25A Material: 12"x12" Ceramic Floor Tile, Red Location: 208 Bathroom Appearance: white, nonfibrous, homogenous Layer: 1 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 50a Cust. #: HA-25A Material: Bedding Tile Location: 208 Bathroom Appearance: beige, nonfibrous, homogenous Layer: 2 of 2	Asbestos Present: NO No Asbestos Observed	Other - 100%

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

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Page 29 of 35

Certificate of Laboratory Analysis

Test Method, Polarized Light Microscopy (PLM)



Project: Arbor One
Project #: 240179

Report To:

Mr. Phil Peterson / Mr. Kaleb Schetter
Environmental Resource Group
28003 Center Oaks Ct., Suite 106
Wixom, MI 48393

ARI Report # 24-109043
Date Collected: 02/28/24
Date Received: 02/29/24
Date Analyzed: 03/04/24
Date Reported: 03/05/24

Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 53 Cust. #: HA-26B Material: Patterned Ceiling Texture, White Location: 205 Ceiling Appearance: white, nonfibrous, homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 54 Cust. #: HA-27A Material: Transition Strip, Grey Location: 204 Bedroom Appearance: grey, nonfibrous, homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 55 Cust. #: HA-27B Material: Transition Strip, Grey Location: 102 Front Door Appearance: grey, nonfibrous, homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

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(734) 449-9990, Fax (734) 449-9991

Page 31 of 35

Certificate of Laboratory Analysis

Test Method, Polarized Light Microscopy (PLM)



Project: Arbor One
Project #: 240179

Report To:

Mr. Phil Peterson / Mr. Kaleb Schetter
Environmental Resource Group
28003 Center Oaks Ct., Suite 106
Wixom, MI 48393

ARI Report # 24-109043
Date Collected: 02/28/24
Date Received: 02/29/24
Date Analyzed: 03/04/24
Date Reported: 03/05/24

Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 57 Cust. #: HA-28B Material: Patterned Grey Laminate Floor Location: 108 Hallway Appearance: grey,nonfibrous,homogenous Layer: 1 of 3	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 57a Cust. #: HA-28B Material: Glue Location: 108 Hallway Appearance: yellow,nonfibrous,homogenous Layer: 2 of 3	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 57b Cust. #: HA-28B Material: Black Backing - Foam Location: 108 Hallway Appearance: black,nonfibrous,homogenous Layer: 3 of 3	Asbestos Present: NO No Asbestos Observed	Other - 100%

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

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(734) 449-9990, Fax (734) 449-9991

Certificate of Laboratory Analysis

Test Method, Polarized Light Microscopy (PLM)



Project: Arbor One
Project #: 240179

Report To:

Mr. Phil Peterson / Mr. Kaleb Schetter
Environmental Resource Group
28003 Center Oaks Ct., Suite 106
Wixom, MI 48393

ARI Report # 24-109043
Date Collected: 02/28/24
Date Received: 02/29/24
Date Analyzed: 03/04/24
Date Reported: 03/05/24

Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109043 - 61 Cust. #: HA-30B Material: Transition Strip, Tan Location: 108 Bedroom Appearance: brown, nonfibrous, homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109043 - 62 Cust. #: HA-31A Material: Caulk, Black/Tar Location: Electrical Room Exterior Appearance: black, fibrous, homogenous Layer: 1 of 1	Asbestos Present: YES Chrysotile - 10%	Other - 90%
Lab ID #: 109043 - 63 Cust. #: HA-31B Material: Caulk, Black/Tar Location: Electrical Room Exterior Appearance: Layer: 1 of 1	Asbestos Present: NOT ANALYZED	

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

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APEX Research, Inc.

7717 Kensington Ct., Brighton, MI 48116 Phone: (734) 449-9990, Fax (734) 449-9991 www.ApexMI.com

Company: ERGCustomer Name: Phil PetersonAddress: 28003 Center Oaks Ct Ste 106City, St., Zip: Warren MI 48093Phone: (517) 256-4248 Fax: _____Date of Survey: 2/28/24Project Name: Arbor OneProject #: 240179Contact Person: Phil PetersonEmail: phil.p.peterson@ergp.net

Turn Around Time: (circle one) *Daily Sample Reception Cutoff: 3 pm, Lead Same Day Cutoff: 10:30 am

Same Day

48 Hour

Other: _____

24 Hour

3-5 DayTTP Yes / no
(Test Till Positive)IF RUSH, please specify above.
***Terms & Conditions on other siteAsbestos: Bulk X Air _____ Other _____ Point Count _____

Lead/Cad/Chrome: Paint _____ Air _____ Wipe ASTM E1792? circle YES or NO _____

Mold: Bulk _____ Air _____ Tape _____ Other _____

Smoke/Soot/Char: Bulk _____ Wipe _____ Tape _____ Other _____

Circle analyses required, indicate type and quantity

Lab ID	Customer ID #	Material/Location	Volume	Area	Results
	HA-8A	caulk, white		3rd floor laundry	
	HA-8B	"		1st floor laundry	
	HA-9A	lantern floor, gray, black mastic		3rd floor hall	
	HA-9B	"		204 197 198 199	
	HA-10A	1" x 1" ceramic floor tile bedding compound, gray		303 bathroom	
	HA-10B	"		308 bathroom	
	HA-11A	trans. fence strip, brown		303 bedroom	
	HA-11B	"		308 bedroom	
	HA-12A	carpet mastic, white, with underlayment		303 bedroom	
	HA-12B	"		308 bedroom	
	HA-13A	Door insulation material, white		303 door	
	HA-13B	"		303 door	
	HA-14A	ceramic shower wall tile, white/yellow mastic		306 bathroom	
	HA-14B	"		108 bathroom	
	HA-15A	Sink undercoating, black		306 kitchen	RECEIVED

Relinquished By: Karl B.Date: 2/28/24

Received By: _____

Time/Date: _____

Relinquished By: _____

Date: _____

Received By: gkTime/Date: 0800 FEB 29 2024

APEX RESEARCH



APEX Research, Inc.

7717 Kensington Ct., Brighton, MI 48116 Phone: (734) 449 - 9990, Fax (734) 449 - 9991 www.ApexMI.com

Company: ERGCustomer Name: Phil PetersonAddress: 28003 Central Oaks Ct Ste 106City, St., Zip: Warren MI 48093Phone: (517) 256-4248 Fax: _____Turn Around Time: (circle one) 3pm Daily Sample Reception Cutoff: 3 pm, Lead Same Day Cutoff: 10:30 am

Same Day

24 Hour

48 Hour

Other: _____

IF RUSH, please specify above.
***Terms & Conditions on other side

24 Hour

3-SDay

TTP yes / no
(Test Till Positive)

Asbestos: Bulk

Air

Other

Point Count

Lead / Cad / Chrome: Paint

Air

Wipe ASTM E1792? circle YES or NO

Mold: Bulk

Air

Tape

Other

Smoke/Soot/Char: Bulk

Wipe

Tape

Other

Circle analyses required, indicate type and quantity

Date of Survey: 2/28/24Project Name: Arbor OneProject #: 240173Contact Person: Phil PetersonEmail: philip.peterson@ergp.net

Lab ID	Customer ID #	Material/Location	Volume	Area	Results
	HA-27A	laminated flooring, brown, black underlayment		308 sq ft room	
	HA-27B	"		207 kitchen	
	HA-24A	stairwell carpet, blue, white mastic		3rd floor, south stairs	
	HA-24B	"		1st floor, south stairs	
	HA-25A	12x12 ceramic tile, white bedding tile, red		10th stairs	
	HA-25B	"		208 bathroom	
	HA-26A	patterned ceiling texture, white		107 bathroom	
	HA-26B	"		205 ceiling	
	HA-27A	transition strip, gray		205 ceiling	
	HA-27B	"		201 bedroom	
	HA-28A	patterned gray laminate floor, black backing		102 front door	
	HA-28B	"		104 kitchen	
	HA-29A	transition strip, black		108 hallway	
	HA-27B	"		108 bedroom	
	HA-30A	transition strip, tan		108 bedroom	RECEIVED

Relinquished By: NeelDate: 2/28/24

Received By: _____

Time/Date: _____

Relinquished By: _____

Date: _____

Received By: _____

Time/Date: _____

APEX RESEARCH

Certificate of Laboratory Analysis

Test Method, Polarized Light Microscopy (PLM)



Project: Arbor One
Project #: 240179

Report To:

Mr. Phil Peterson / Mr. Kaleb Schetter
Environmental Resource Group
28003 Center Oaks Ct., Suite 106
Wixom, MI 48393

ARI Report # 24-109133
Date Collected: 03/04/24
Date Received: 03/04/24
Date Analyzed: 03/06/24
Date Reported: 03/06/24

Sample Information	Asbestos Type/Percent	Non-Asbestos Material
Lab ID #: 109133 - 01 Cust. #: HA-32A Material: Ceiling Glue, Yellow Location: 3rd Floor Hall Appearance: yellow, nonfibrous, homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: 109133 - 02 Cust. #: HA-32B Material: Ceiling Glue, Yellow Location: 3rd Floor Hall Appearance: yellow, nonfibrous, homogenous Layer: 1 of 1	Asbestos Present: NO No Asbestos Observed	Other - 100%
Lab ID #: Cust. #: Material: Location: Appearance: Layer: of	Asbestos Present:	

For Layered Samples, each component will be analyzed and reported separately.

Robert T. Letarte Jr., Laboratory Director

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Page 1 of 1

APPENDIX E

DIGITAL PHOTOGRAPH LOG



Photograph Date: February 28, 2024
Photo taken by: K. Schetter
Site: 799 Green Road, Ypsilanti, Michigan
ERG Project No.: 240179



4. Asbestos-containing exterior
caulk



For Office Use Only



BUILDING DEPARTMENT

PAYMENT RECEIPT

No 32839Date: 4/12/24Project Address: 772 GreenName: Jeffery Schuh

☒ Bldg 101-4-3710-461-00 531.00

☐ Elec 101-4-3710-461-01 _____

☐ Mech 101-4-3710-461-02 _____

☐ Plumb 101-4-3710-461-03 _____

☐ Occup 101-4-3710-461-04 _____

☐ Sign 101-4-3710-461-05 _____

☐ HDC 101-4-7210-477-00 _____

☐ Abate 101-4-3720-607-06 _____

☐ Animal 101-4-3720-461-06 _____

☐ Copy 101-4-3710-607-05 _____

☐ Water 101-221-39 _____

☐ Zoning 101-4-3710-607-05 _____

☐ Other _____

Authorization: LS

White: Treasurer's Office Copy

Yellow: Building Dept. Copy

Total: 531.00

Check #: _____

Cash/Charge: 360.00/MC 171.00Grand Total: 531.00

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645	KUHNKE Court telephone number (734) 222-3270	

Plaintiff's name, address, and telephone number
Washtenaw County Prosecutor ex rel. State of Michigan;
P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
483-1810

v

Defendant's name, address, and telephone number
ValleyTree Partners LLC

c/o Samuel Rosenthal (Registered Agent)
30 Sea Point Drive, Lakewood, NJ 08701

920 E. County Line Road, Suite 103 (Registered Office)
Lakewood, NJ 08701

sam@valleytreepartners.com
jack@valleytreepartners.com

Plaintiff's attorney bar number, address, and telephone number
Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
(734) 622-9049; ryant@washtenaw.org
Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
---------------------------------------	---	--

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
--	----------------	--

Court address
101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

Court telephone number
(734) 222-3270

Plaintiff's name, address, and telephone number Washtenaw County Prosecutor ex rel. State of Michigan; P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734) 483-1810	Plaintiff's attorney bar number, address, and telephone number Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107; (734) 622-9049; ryant@washtenaw.org Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com
--	---

v

Defendant's name, address, and telephone number Samuel Rosenthal 29 Shady Lane Drive Lakewood, NJ 08701	 30 Sea Point Drive Lakewood, NJ 08701 sam@valleytreepartners.com
---	---

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

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- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
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- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

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Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645	KUHNKE Court telephone number (734) 222-3270	

Plaintiff's name, address, and telephone number
Washtenaw County Prosecutor ex rel. State of Michigan;
P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
483-1810

Plaintiff's attorney bar number, address, and telephone number
Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
(734) 622-9049; ryant@washtenaw.org
Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

v

Defendant's name, address, and telephone number
VTP A1 LP

c/o VCorp Services, LLC (Resident Agent)
40600 Ann Arbor Road E, Suite 201, Plymouth, MI 48170

920 E. County Line Road, Suite 103 (Registered Office)
Lakewood, NJ 08701

sam@valleytreepartners.com
jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
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Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL
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Court address
101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

KUHNKE **Court telephone number**
(734) 222-3270

Plaintiff's name, address, and telephone number Washtenaw County Prosecutor ex rel. State of Michigan; P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734) 483-1810
Plaintiff's attorney bar number, address, and telephone number Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107; (734) 622-9049; ryant@washtenaw.org Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

v

Defendant's name, address, and telephone number VTP Arbor JV LP c/o VCorp Services, LLC (Resident Agent) 108 W. 13th Street, Suite 100, Wilmington, DE 19801 sam@valleytreepartners.com jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum
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Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
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Court address
101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

Court telephone number
(734) 222-3270

Plaintiff's name, address, and telephone number Washtenaw County Prosecutor ex rel. State of Michigan; P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734) 483-1810	Plaintiff's attorney bar number, address, and telephone number Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107; (734) 622-9049; ryant@washtenaw.org Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com
--	---

v

Defendant's name, address, and telephone number VTP Arbor One LLC c/o VCorp Services, LLC (Resident Agent) 108 W. 13th Street, Suite 100, Wilmington, DE 19801 sam@valleytreepartners.com jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
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Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

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Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645		Court telephone number (734) 222-3270

Plaintiff's name, address, and telephone number
Washtenaw County Prosecutor ex rel. State of Michigan;
P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
483-1810

v

Defendant's name, address, and telephone number
VTP River Woods, LLC

c/o VCorp Services, LLC (Resident Agent)
108 W. 13th Street, Suite 100, Wilmington, DE 19801

Plaintiff's attorney bar number, address, and telephone number
Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
(734) 622-9049; ryant@washtenaw.org
Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

sam@valleytreepartners.com
jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
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Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
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Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

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Name	Date and time of service
Place or address of service	
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Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____ Date and time _____

Signature _____ on behalf of _____

Name (type or print) _____

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645		Court telephone number (734) 222-3270

Plaintiff's name, address, and telephone number
Washtenaw County Prosecutor ex rel. State of Michigan;
P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
483-1810

v

Defendant's name, address, and telephone number
Yaakov ("Jack") Nusbaum

17 Noam Lane
Lakewood, NJ 08701

jack@valleytreepartners.com

Plaintiff's attorney bar number, address, and telephone number
Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
(734) 622-9049; ryant@washtenaw.org
Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
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Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
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- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
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been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

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1. You are being sued.
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Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
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Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

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Name	Date and time of service
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Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
---	----------------	--

Court address

101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

Court telephone number

(734) 222-3270

Plaintiff's name, address, and telephone number

Washtenaw County Prosecutor ex rel. State of Michigan;
P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
483-1810

v

Defendant's name, address, and telephone number

Amy Vujnov

9066 Nathaline Avenue
Redford, MI 48239

amyv@arboroneypsilanti.com

Plaintiff's attorney bar number, address, and telephone number

Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
(734) 622-9049; ryant@washtenaw.org
Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
--------------------------------	--------------------------------------	---

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____ Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
--	----------------	--

Court address
101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

Court telephone number
(734) 222-3270

Plaintiff's name, address, and telephone number Washtenaw County Prosecutor ex rel. State of Michigan; P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734) 483-1810	Plaintiff's attorney bar number, address, and telephone number Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107; (734) 622-9049; ryant@washtenaw.org Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com
--	---

v

Defendant's name, address, and telephone number VTP Arbor GP LLC c/o VCorp Services, LLC (Resident Agent) 108 W. 13th Street, Suite 100, Wilmington, DE 19801 sam@valleytreepartners.com jack@valleytreepartners.com
--

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
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Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
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- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
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3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
-------------------------	-------------------------------	---

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____ Date and time _____

Signature _____ on behalf of _____

Name (type or print) _____



WASHTENAW COUNTY

OFFICE OF THE PROSECUTING ATTORNEY

ELI SAVIT
PROSECUTING ATTORNEY

VICTORIA BURTON-HARRIS
CHIEF ASSISTANT PROSECUTING ATTORNEY

February 21, 2025

Preservation Demand

**To: ValleyTree Partners LLC
VTP A1 LP
VTP Arbor GP LLC
VTP Arbor JV LP
VTP Arbor One LLC
VTP River Woods, LLC
Samuel Rosenthal
Yaakov ("Jack") Nusbaum
Amy Vujnov**

On behalf of the Washtenaw County Prosecutor's Office, I write to formally provide notice of the legal obligation to preserve all documents and information that are in any way relevant to, or which may lead to the discovery of information relevant to, the claims potentially at issue in this matter. Please refer to the Complaint of February 21, 2025, served with this document, for a description of the claims at issue in this matter. The law requires a business and/or an individual to take affirmative steps to preserve relevant or potentially relevant records when litigation has been filed.

The consequences of a failure to preserve records varies depending on the circumstances but may include: regulatory fines and penalties; civil litigation consequences such as increased litigation costs, sanctions, fines, adverse inference instructions, default judgment and civil contempt; vicarious liability for responsible senior management; and criminal liability for organizations and individuals. The duty to preserve documents and information applies to all existing or future related actions that may be commenced.

This duty extends to all members, officers, directors, and managers of ValleyTree Partners LLC, VTP A1 LP, VTP Arbor GP LLC, VTP Arbor JV LP, VTP Arbor One LLC, and VTP River Woods, LLC, as business entities (including but not limited to the individual defendants, Samuel Rosenthal, Yaakov Nusbaum, and Amy Vujnov), as well as to your agents, affiliates, independent contractors, and others acting on your behalf, to the extent

Preservation Demand
In re: *Arbor One Apartments*

Page 2 of 2

those individuals or entities have any such documents and information within their possession, custody, or control.

In keeping with this duty, the Washtenaw County Prosecutor's Office demands that all such documents and information shall be preserved, including all electronically stored information ("ESI"). MCR 2.302(B)(5). Again, the failure to preserve and produce such documents and information may be subject to sanctions. See, e.g., MCR 2.313(D).

For purposes of clarity only and not limitation, please note that this demand to preserve information includes, but is not limited to: physical documents, hardware such as computers and phones, social media accounts and information, including social media posts and messages, pictures, videos, text messages, metadata, emails, call logs, and screenshots. This duty also supersedes any standard document retention time periods and policies (for example only, a policy of shredding documents after seven years), including the use (without further preservation) of forms of communication that have automatic processes for the destruction of potential evidence, such as Snapchat. The Washtenaw County Prosecutor's Office intends to seek documents and information in their original and/or native electronic format, and preservation in an alternative format does not comply with the duty to preserve and this notice.

Sincerely,

/s/ Todd Ryan
Todd Ryan
Director of the Economic Justice Unit

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

22nd	STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
------	--	---------	---

Court address

101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

Court telephone number

(734) 222-3270

Plaintiff's name, address, and telephone number

Washtenaw County Prosecutor ex rel. State of Michigan;
P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
483-1810

Plaintiff's attorney bar number, address, and telephone number

Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
(734) 622-9049; ryant@washtenaw.org
Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

Defendant's name, address, and telephone number

VTP Arbor One LLC

c/o VCorp Services, LLC (Resident Agent)
108 W. 13th Street, Suite 100, Wilmington, DE 19801

sam@valleytreepartners.com

jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
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Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
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- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

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3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum
-------------------------	-------------------------------	--

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25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☒ I served ☒ personally ☒ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) ^{MAIL TO THE REGISTERED OFFICE PER MCR 2.105(A)(2)} a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name <u>PERSONAL SERVICE ON:</u>	Date and time of service
<u>PERSON IN CHARGE OF OFFICE FOR VTP ANSON ONE LLC (JAKE)</u>	<u>2/27, 12:19 PM</u>
Place or address of service	
<u>PERSONAL: 499 GREEN RD, YPSIVANTI, MI 48198</u>	
<u>MAILED: 920 E COUNTY LANE RD, SUITE 103, LAKEWOOD, NJ 08701</u>	
Attachments (if any)	
<u>COVER LETTER; JURY DEMAND; PRESERVATION DEMAND</u>	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☒ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$


Signature

ANDREW SCHREDER
Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature on behalf of _____

Name (type or print)

Registered No.

Date Stamp

To Be Completed By Post Office	Postage \$ \$4.31	Extra Services & Fees (continued)	
	Extra Services & Fees <input type="checkbox"/> Registered Mail \$ \$18.60	<input type="checkbox"/> Signature Confirmation \$	
	<input type="checkbox"/> Return Receipt (hardcopy) \$ \$0.00	<input type="checkbox"/> Signature Confirmation Restricted Delivery \$	
	<input type="checkbox"/> Return Receipt (electronic) \$ \$0.00	Total Postage & Fees	
	<input type="checkbox"/> Restricted Delivery \$ \$0.00	\$ \$22.91	
	Customer Must Declare Full Value \$ \$0.00	Received by 02/28/2025	Domestic Insurance up to \$50,000 is included based upon the declared value. International Indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	ECONOMER BOUTIQUE
		WASHTENAW COUNTY PROSECUTOR'S OFFICE
		P.O. Box 8645
	TO	ANN ARBOR, MI 48107
		VIP ANTHON ONE LLC
		920 E. CONANTY LINE ROAD, S103
	LAKEWOOD, NJ 08701	

PS Form 3806, Registered Mail Receipt

Copy 1 - Customer

April 2015, PSN 7530-02-000-9051

(See Information on Reverse)

For domestic delivery information, visit our website at www.usps.com

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 22nd JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL
---	----------------	--

Court address
 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

KUHNKE **Court telephone number**
 (734) 222-3270

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

v

Defendant's name, address, and telephone number
 ValleyTree Partners LLC

c/o Samuel Rosenthal (Registered Agent)
 30 Sea Point Drive, Lakewood, NJ 08701

920 E. County Line Road, Suite 103 (Registered Office)
 Lakewood, NJ 08701

sam@valleytreepartners.com
 jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

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it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
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Issue date	Expiration date*	Court clerk
2/21/2025	5/23/2025	/s/ Lawrence Kestenbaum

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

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CERTIFICATE OF SERVICE / NONSERVICE

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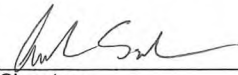
☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name <u>PERSONAL SERVICE ON:</u> <u>PERSON IN CHARGE OF OFFICE FOR VALLEY TREE PARTNERS LLC (WALK)</u>	Date and time of service <u>2/27 12:19 pm</u>
Place or address of service <u>PERSONAL: 799 GREEN RD, YPSILANTI, MI 48198</u> <u>MAILED: 920 E COUNTY LINE RD, SUITE 103, LAKEWOOD, NJ 08701</u>	
Attachments (if any) <u>COVER LETTER, JURY DEMAND, PRESERVATION DEMAND</u>	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☒ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$


Signature
ANDREW SCHREPPER
Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Registered No.

Date Stamp

To Be Completed By Post Office	Postage \$	\$4.31	Extra Services & Fees (continued)	
	Extra Services & Fees	\$18.60	<input type="checkbox"/> Signature Confirmation	\$
	<input type="checkbox"/> Registered Mail		<input type="checkbox"/> Signature Confirmation Restricted Delivery	\$
	<input type="checkbox"/> Return Receipt (hardcopy) \$	\$0.00	Total Postage & Fees	\$ 422.91
	<input type="checkbox"/> Return Receipt (electronic) \$	\$0.00	Customer Must Declare Full Value	Received by 02/28/2025
<input type="checkbox"/> Restricted Delivery \$	\$0.00			Domestic Insurance up to \$50,000 is included based upon the declared value. International Indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Washtenaw County Prosecution
		200 N. Main St., P.O. 8645
		Ann Arbor, MI 48107
	TO	Valley Tree Partners LLC
		920 E. County Line Road
		Suite 103
		Lakewood, NJ 08701

PS Form 3806, Registered Mail Receipt

Copy 1 - Customer

April 2015, PSN 7530-02-000-9051

(See Information on Reverse)

For domestic delivery information, visit our website at www.usps.com

STATE OF MICHIGAN MI Washtenaw County - 22nd Circuit Court	PROOF OF ELECTRONIC SERVICE	CASE NO. 25-000262-CH
---	------------------------------------	------------------------------

Case Title Washtenaw County Prosecutor et al vs ValleyTree Partners LLC et al
--

1. MiFILE served the following documents on the following persons in accordance with MCR 1.109(G)(6).

Type of Document	Title of Document
Return of Service of Summons and Complaint	Certificate of Service - VTP Arbor One LLC
Return of Service of Summons and Complaint	Certificate of Service - ValleyTree Partners LLC
Return of Service of Summons and Complaint	Certificate of Service - VTP River Woods, LLC
Return of Service of Summons and Complaint	Certificate of Service - VTP A1 LP
Return of Service of Summons and Complaint	Certificate of Service - VTP Arbor GP LLC
Return of Service of Summons and Complaint	Certificate of Service - VTP Arbor JV LP

Person Served	E-mail Address of Service	Date and Time of Service
Washtenaw County Prosecutor	savite@washtenaw.org	3/3/2025 4:05:42 PM
Victoria M. Burton-Harris	burtonharrisv@washtenaw.org	3/3/2025 4:05:42 PM
Randolph T. Barker	barker@cmplaw.com	3/3/2025 4:05:42 PM
William Daniel Troyka	troyka@cmplaw.com	3/3/2025 4:05:42 PM
Andrew D. Sugerman	sugerman@cmplaw.com	3/3/2025 4:05:42 PM

2. I, Todd Ryan, initiated the above MiFILE service transmission.

This proof of electronic service was automatically created, submitted, and signed on my behalf by MiFILE. I declare under the penalties of perjury that this proof of electronic service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

3/3/2025

Date

/s/Todd Ryan

Signature

Washtenaw County Prosecutor's Office

Firm (if applicable)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645		Court telephone number (734) 222-3270

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

Defendant's name, address, and telephone number
 VTP River Woods, LLC

c/o VCorp Services, LLC (Resident Agent)
 108 W. 13th Street, Suite 100, Wilmington, DE 19801

sam@valleytreepartners.com
 jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
-------------------------	-------------------------------	---

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☒ I served ☒ personally ☒ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) ^{MAIL TO THE REGISTERED OFFICE per MCL 2.105 (H)(2)} a copy of the summons and the complaint, together with the attachments listed below, on:

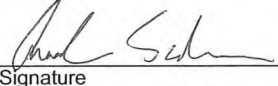
☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name <u>PERSONAL SERVICE ON:</u>	Date and time of service
<u>PERSON IN CHARGE OF OFFICE FOR VIP REVENUE WOODS, LLC (JAKE)</u>	<u>2/27; 12:19 pm</u>
Place or address of service <u>PERSONAL: 499 GREEN RD, YPSILANTI, MI 48198</u> <u>MAILED: 925 E COUNTY LINE RD, SUITE 103, LAKEWOOD, NJ 08701</u>	
Attachments (if any) <u>COVER LETTER; JURY DEMAND; PRESERVATION DEMAND</u>	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☒ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$


Signature
ANDREW SCHREDER
Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature on behalf of _____

Name (type or print)

Registered No. 95737154148/US		Date Stamp 0107 69
To Be Completed By Post Office	Postage \$ \$4.31	Extra Services & Fees (continued)
	Extra Services & Fees	<input type="checkbox"/> Signature Confirmation
	<input type="checkbox"/> Registered Mail \$ \$18.60	\$
	<input type="checkbox"/> Return Receipt (hardcopy) \$ \$0.00	<input type="checkbox"/> Signature Confirmation
	<input type="checkbox"/> Return Receipt (electronic) \$ \$0.00	<input type="checkbox"/> Restricted Delivery
<input type="checkbox"/> Restricted Delivery \$ \$0.00	Total Postage & Fees	
	\$ \$22.91	
Customer Must Declare Full Value	Received by	Domestic Insurance up to \$50,000 is included based upon the declared value. International Indemnity is limited. (See Reverse).
\$ \$0.00	02/28/2025	

OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Washtenaw County Prosecutor
		200 N. Main Street
		P.O. Box 8645
		Ann Arbor MI 48107
		VTP River Woods LLC
	TO	920 E. County Line Road
		Suite 103
		Lake wood, NJ 08701

PS Form 3806, Registered Mail Receipt Copy 1 - Customer
 April 2015, PSN 7530-02-000-9051 (See Information on Reverse)
 For domestic delivery information, visit our website at www.usps.com

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645		KUHNKE Court telephone number (734) 222-3270

Plaintiff's name, address, and telephone number
Washtenaw County Prosecutor ex rel. State of Michigan;
P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
483-1810

Plaintiff's attorney bar number, address, and telephone number
Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
(734) 622-9049; ryant@washtenaw.org
Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

v

Defendant's name, address, and telephone number
VTP A1 LP

c/o VCorp Services, LLC (Resident Agent)
40600 Ann Arbor Road E, Suite 201, Plymouth, MI 48170

920 E. County Line Road, Suite 103 (Registered Office)
Lakewood, NJ 08701

sam@valleytreepartners.com
jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☒ I served ☒ personally ☒ by registered ^{MAIL PER MCL 2.105(c)(2)} or certified mail return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name PERSONAL SERVICE ON: PERSON IN CHARGE OF OFFICE FOR VIP A/LP (JAKE)	Date and time of service 2/27; 12:19 PM
Place or address of service PERSONAL: 499 GREEN ROAD, YPSILANTI, MI 48198 MAILED: c/o VCOMP SERVICES, LLC 40600 ANN ARBOR ROAD, SUITE 201, PLYMOUTH, MI 48170	
Attachments (if any) COVER LETTER; JURY DEMAND; PRESERVATION DEMAND	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☒ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$


Signature
ANDREW SCHREPPER
Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature on behalf of _____

Name (type or print)

Registered No.

Date Stamp

To Be Completed By Post Office	Postage \$ \$4.31	Extra Services & Fees (continued)	
	Extra Services & Fees \$18.50	<input type="checkbox"/> Signature Confirmation	
	<input type="checkbox"/> Registered Mail \$	\$	
	<input type="checkbox"/> Return Receipt (hardcopy) \$ \$0.00	<input type="checkbox"/> Signature Confirmation Restricted Delivery	
	<input type="checkbox"/> Return Receipt (electronic) \$ \$0.00	\$	
	<input type="checkbox"/> Restricted Delivery \$ \$0.00	Total Postage & Fees \$ \$22.91	
	Customer Must Declare Full Value \$ \$0.00	Received by 02/28/2025	Domestic Insurance up to \$50,000 is included based upon the declared value. International Indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	ANN ARBOR MI 48107
		WASHINGTON COUNTY PROSECUTOR'S OFFICE
		P.O. Box 8645
	TO	Ann Arbor, MI 48107
		VTP ALP c/o Comp Services, LLC
		40600 Ann Arbor Romo E, Suite 201 Plymouth, MI 48140

PS Form 3806, Registered Mail Receipt

Copy 1 - Customer

April 2015, PSN 7530-02-000-9051

(See Information on Reverse)

For domestic delivery information, visit our website at www.usps.com

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 22nd JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645		Court telephone number (734) 222-3270

Plaintiff's name, address, and telephone number
Washtenaw County Prosecutor ex rel. State of Michigan;
P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
483-1810

Plaintiff's attorney bar number, address, and telephone number
Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
(734) 622-9049; ryant@washtenaw.org
Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

Defendant's name, address, and telephone number
VTP Arbor GP LLC

c/o VCorp Services, LLC (Resident Agent)
108 W. 13th Street, Suite 100, Wilmington, DE 19801

sam@valleytreepartners.com
jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☒ I served ☒ personally ☒ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) ^{MAIL TO THE REGISTERED OFFICE PER MCL 2.105 (4) (2)} a copy of the summons and the complaint, together with the attachments listed below, on:

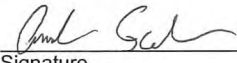
☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name <u>PERSONAL SERVICE ON:</u> <u>PERSON IN CHARGE OF OFFICE FOR VTP ARRON GP LLC</u> (JAKE)	Date and time of service <u>2/27, 12:19 PM</u>
Place or address of service <u>PERSONAL: 799 GREEN ROAD, YPSILANTI, MI 48198</u> <u>MAILED: 920 E COUNTY LINE ROAD, SUITE 103, LAKEWOOD, NJ 08701</u>	
Attachments (if any) <u>COVER LETTER; JURY DEMAND; PRESERVATION DEMAND</u>	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☒ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$


Signature
ANDREW SCHNEPFER
Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Registered No.

Date Stamp

To Be Completed By Post Office	Postage \$	\$4.31	Extra Services & Fees (continued)	
	Extra Services & Fees		<input type="checkbox"/> Signature Confirmation	
	<input type="checkbox"/> Registered Mail	\$18.60	<input type="checkbox"/> Signature Confirmation Restricted Delivery	
	<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00		
	<input type="checkbox"/> Return Receipt (electronic)	\$0.00		
	<input type="checkbox"/> Restricted Delivery	\$0.00	Total Postage & Fees	\$22.91
	Customer Must Declare Full Value		Received by	02/28/2025
	\$	\$0.00	Domestic Insurance up to \$50,000 is included based upon the declared value. International Indemnity is limited. (See Reverse).	

OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Economax Distribution Unit
		WASHTENAW County PROSECUTOR'S OFFICE
		P.O. Box 8645
	TO	Ann Arbor, MI 48107
		VIP ANSON GP LLC
		920 E. COUNTY LINE ROAD, ST 103 LAKEWOOD, NJ 08701

PS Form 3806, Registered Mail Receipt

Copy 1 - Customer

April 2015, PSN 7530-02-000-9051

(See Information on Reverse)

For domestic delivery information, visit our website at www.usps.com

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL
--	----------------	--

Court address
 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

KUHNKE **Court telephone number**
 (734) 222-3270

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

Defendant's name, address, and telephone number
 VTP Arbor JV LP

c/o VCorp Services, LLC (Resident Agent)
 108 W. 13th Street, Suite 100, Wilmington, DE 19801

sam@valleytreepartners.com
 jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
--------------------------------	--------------------------------------	---

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☒ I served ☒ personally ☒ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name PERSONAL SERVICE ON: PERSON IN CHARGE OF OFFICE FOR VTP ALBON JV LP (JAKE)	Date and time of service 2/27; 12:19 pm
Place or address of service PERSONAL: 799 GREEN ROAD, YPSILANTI, MI 48198 MAILING: 108 W 13TH STREET, SUITE 100, WILMINGTON, DE 19801	
Attachments (if any) COVER LETTER; JURY DEMAND; PRESERVATION DEMAND	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☒ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$


Signature

ANDREW SURPREN
Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____
Date and time

Signature _____ on behalf of _____

Name (type or print) _____

Registered No.

Date Stamp

To Be Completed By Post Office	Postage \$	\$4.31	Extra Services & Fees (continued)
	Extra Services & Fees		<input type="checkbox"/> Signature Confirmation
	<input type="checkbox"/> Registered Mail	\$18.60	\$
	<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	<input type="checkbox"/> Signature Confirmation Restricted Delivery
	<input type="checkbox"/> Return Receipt (electronic)	\$0.00	\$
	<input type="checkbox"/> Restricted Delivery	\$0.00	Total Postage & Fees
			\$422.91
Customer Must Declare Full Value		Received by	
\$0.00		02/28/2025	

Domestic Insurance up to \$50,000
is included based upon the
declared value. International
Indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Washtenaw County Prosecution
		200 N. Main St.
		P.O. Box 8645
	TO	Ann Arbor, MI 48107
		VTP Arbor JV LP
		c/o VComp Services, LLC
	108 W. 13th St, Ste 100	
	Wilmington, DE 19801	

PS Form 3806, Registered Mail Receipt

Copy 1 - Customer

April 2015, PSN 7530-02-000-9051

(See Information on Reverse)

For domestic delivery information, visit our website at www.usps.com

**STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT**

ELI SAVIT, PROSECUTING ATTORNEY
FOR WASHTENAW COUNTY ex rel., the
People of the State of Michigan, and CITY
OF YPSILANTI,

Plaintiffs,

v.

VALLEYTREE PARTNERS LLC, VTP A1 LP,
VTP ARBOR GP LLC, VTP ARBOR JV LP, VTP
ARBOR ONE LLC, VTP RIVER WOODS, LLC,
SAMUEL ROSENTHOL, YAAKOV NUSBAUM
and AMY VUJNOV,

Defendants,

Case No. 25-000262-CH
Hon. Hon. Carol Kuhnke

APPEARANCE OF COUNSEL

**WASHTENAW CUNTY PROSECUTOR'S
OFFICE**

By: Eli Savit (P76528)
Victoria Burton-Harris (P78623)
Todd Ryan (P81848)
P.O. Box 8645
Ann Arbor, MI 48107
(734) 622-9049
ryant@washtenaw.org
Attorneys for Plaintiff State of Michigan

CONLIN McKENNEY & PHILBRICK PC

By: Randolph T. Barker (P62604)
W. Daniel Troyka (P65155)
Andrw D. Sugarman (P46687)
350 Main St., Suite 400
Ann Arbor, MI 48104
(734) 761-9000
barker@cimplaw.com
Attorneys for Plaintiff City of Ypsilanti

BODMAN PLC

By: J. Adam Behrendt (P58607)
Debani T. Gordon Lehman (P83909)
201 W. Big Beaver, Suite 500
Troy, MI 48084
(248) 743-6000
jbehrendt@bodmanlaw.com
Attorneys for Defendants

APPEARANCE OF COUNSEL

Please take notice that Debani T. Gordon Lehman of Bodman PLC, hereby enters her appearance as counsel for defendants in the above captioned matter.

Respectfully submitted,

BODMAN PLC

By: /s/ Debani T. Gordon Lehman
J. Adam Behrendt (P58607)
Debani T. Gordon Lehman (P83909)
201 W. Big Beaver Road, Suite 500
Troy, MI 48084
(248) 743-6000
abehrendt@bodmanlaw.com
dgordon@bodmanlaw.com
Attorneys for Defendants

Dated: March 4, 2025

PROOF OF SERVICE

I hereby certify that on March 4, 2025, I electronically filed the foregoing papers with the Clerk of the Court using the E-filing system which will send notification of such filing to all attorneys of record.

/s/ Debani T. Gordon Lehman (P83909)

STATE OF MICHIGAN MI Washtenaw County - 22nd Circuit Court	PROOF OF ELECTRONIC SERVICE	CASE NO. 25-000262-CH
---	------------------------------------	------------------------------

Case Title Washtenaw County Prosecutor et al vs ValleyTree Partners LLC et al
--

1. MiFILE served the following documents on the following persons in accordance with MCR 1.109(G)(6).

Type of Document	Title of Document
Appearance	Washtenaw Pros v VTP - Appearance of Debani Gordon 4912-8903-8883 v.1
Proof of Service	Executed Acknow. of Service Packet

Person Served	E-mail Address of Service	Date and Time of Service
Todd Michael Ryan	ryant@washtenaw.org	3/4/2025 8:46:17 AM
Washtenaw County Prosecutor	savite@washtenaw.org	3/4/2025 8:46:17 AM
Victoria M. Burton-Harris	burtonharrisv@washtenaw.org	3/4/2025 8:46:17 AM
Randolph T. Barker	barker@cmplaw.com	3/4/2025 8:46:17 AM
William Daniel Troyka	troyka@cmplaw.com	3/4/2025 8:46:17 AM
Andrew D. Sugerman	sugerman@cmplaw.com	3/4/2025 8:46:17 AM

2. I, Debani Gordon Lehman, initiated the above MiFILE service transmission.

This proof of electronic service was automatically created, submitted, and signed on my behalf by MiFILE. I declare under the penalties of perjury that this proof of electronic service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

3/4/2025
Date

/s/Debani Gordon Lehman
Signature

Bodman PLC
Firm (if applicable)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 22nd JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645		Court telephone number (734) 222-3270

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

v

Defendant's name, address, and telephone number
 Amy Vujnov
 9066 Nathaline Avenue
 Redford, MI 48239
 amyv@arboroneypsilanti.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
-------------------------	-------------------------------	--

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Jury Demand and Preservation Demand

on March 3, 2025

Attachments (if any)

Date and time



on behalf of Amy Vujnov

Signature

Debani T. Gordon Lehman P83909

Name (type or print)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 22nd JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
--	----------------	--

Court address
 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

Court telephone number
 (734) 222-3270

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

v

Defendant's name, address, and telephone number
 Samuel Rosenthal

29 Shady Lane Drive
 Lakewood, NJ 08701

30 Sea Point Drive
 Lakewood, NJ 08701

sam@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
-------------------------	-------------------------------	--

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Jury Demand and Preservation Demand

on March 3, 2025

Attachments (if any)

Date and time



Signature

on behalf of Samuel Rosenthal

Debani T. Gordon Lehman P83909

Name (type or print)

STATE OF MICHIGAN MI Washtenaw County - 22nd Circuit Court	PROOF OF ELECTRONIC SERVICE	CASE NO. 25-000262-CH
---	------------------------------------	------------------------------

Case Title Washtenaw County Prosecutor et al vs ValleyTree Partners LLC et al
--

1. MiFILE served the following documents on the following persons in accordance with MCR 1.109(G)(6).

Type of Document	Title of Document
Proof of Service	Acknowledgment of Service - Amy Vujnov
Proof of Service	Acknowledgment of Service - Samuel Rosenthal
Proof of Service	Acknowledgment of Service - ValleyTree Partners LLC
Proof of Service	Acknowledgment of Service - VTP A1 LP
Proof of Service	Acknowledgment of Service - VTP Arbor GP LLC
Proof of Service	Acknowledgment of Service - VTP Arbor JV LP
Proof of Service	Acknowledgment of Service - VTP Arbor One LLC
Proof of Service	Acknowledgment of Service - VTP River Woods, LLC
Proof of Service	Acknowledgment of Service - Yaakov Nusbaum

Person Served	E-mail Address of Service	Date and Time of Service
Todd Michael Ryan	ryant@washtenaw.org	3/4/2025 9:38:43 AM
Washtenaw County Prosecutor	savite@washtenaw.org	3/4/2025 9:38:43 AM
Victoria M. Burton-Harris	burtonharrisv@washtenaw.org	3/4/2025 9:38:43 AM
Randolph T. Barker	barker@cmplaw.com	3/4/2025 9:38:43 AM
William Daniel Troyka	troyka@cmplaw.com	3/4/2025 9:38:43 AM
Andrew D. Sugerman	sugerman@cmplaw.com	3/4/2025 9:38:43 AM

2. I, Debani Gordon Lehman, initiated the above MiFILE service transmission.

This proof of electronic service was automatically created, submitted, and signed on my behalf by MiFILE. I declare under the penalties of perjury that this proof of electronic service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

3/4/2025
Date

/s/Debani Gordon Lehman
Signature

Bodman PLC
Firm (if applicable)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645	KUHNKE Court telephone number (734) 222-3270	

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

Defendant's name, address, and telephone number
 ValleyTree Partners LLC

c/o Samuel Rosenthal (Registered Agent)
 30 Sea Point Drive, Lakewood, NJ 08701

920 E. County Line Road, Suite 103 (Registered Office)
 Lakewood, NJ 08701

sam@valleytreepartners.com
 jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
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- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk February 21, 2025 /s/ Lawrence Kestenbaum
--------------------------------	--------------------------------------	--

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25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Jury Demand and Preservation Demand

on March 3, 2025

Attachments (if any)

Date and time



on behalf of ValleyTree Partners LLC

Signature

Debani T. Gordon Lehman P83909

Name (type or print)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645	KUHNKE Court telephone number (734) 222-3270	

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

v

Defendant's name, address, and telephone number
 VTP A1 LP

c/o VCorp Services, LLC (Resident Agent)
 40600 Ann Arbor Road E, Suite 201, Plymouth, MI 48170

920 E. County Line Road, Suite 103 (Registered Office)
 Lakewood, NJ 08701

sam@valleytreepartners.com
 jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

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been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
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4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
-------------------------	-------------------------------	--

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25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

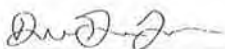
I acknowledge that I have received service of a copy of the summons and complaint, together with

Jury Demand and Preservation Demand

on March 3, 2025

Attachments (if any)

Date and time



on behalf of VTP A1 LP

Signature

Debani T. Gordon Lehman P83909

Name (type or print)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
--	----------------	--

Court address
 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

Court telephone number
 (734) 222-3270

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

v

Defendant's name, address, and telephone number
 VTP Arbor GP LLC

c/o VCorp Services, LLC (Resident Agent)
 108 W. 13th Street, Suite 100, Wilmington, DE 19801

sam@valleytreepartners.com
 jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
--------------------------------	--------------------------------------	--

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

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Attachments (if any)	

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Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Jury Demand and Preservation Demand

on March 3, 2025

Attachments (if any)

Date and time



on behalf of

VTP Arbor GP LLC

Signature

Debani T. Gordon Lehman P83909

Name (type or print)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645		KUHNKE Court telephone number (734) 222-3270

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

Defendant's name, address, and telephone number
 VTP Arbor JV LP

c/o VCorp Services, LLC (Resident Agent)
 108 W. 13th Street, Suite 100, Wilmington, DE 19801

sam@valleytreepartners.com
 jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☒ 14A-1 District Court; U.S. District Court, E.D. Mich; Ypsi Admin Bureau Court, where

it was given case number See attached Complaint and assigned to Judge Kuhnke; Simpson; Leitman; Hearings Officer

The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk February 21, 2025 /s/ Lawrence Kestenbaum
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25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

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Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Jury Demand and Preservation Demand

on March 3, 2025

Attachments (if any)

Date and time



Signature

on behalf of VTP Arbor JV LP

Debani T. Gordon Lehman P83909

Name (type or print)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
--	----------------	--

Court address
 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645

Court telephone number
 (734) 222-3270

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

v

Defendant's name, address, and telephone number
 VTP Arbor One LLC

c/o VCorp Services, LLC (Resident Agent)
 108 W. 13th Street, Suite 100, Wilmington, DE 19801

sam@valleytreepartners.com
 jack@valleytreepartners.com

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
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The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

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Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum
--------------------------------	--------------------------------------	---

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25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

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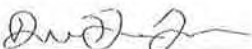
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Jury Demand and Preservation Demand

on March 3, 2025

Attachments (if any)

Date and time



Signature

on behalf of VTP Arbor One LLC

Debani T. Gordon Lehman P83909

Name (type or print)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645		Court telephone number (734) 222-3270
Plaintiff's name, address, and telephone number Washtenaw County Prosecutor ex rel. State of Michigan; P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734) 483-1810	v	Defendant's name, address, and telephone number VTP River Woods, LLC c/o VCorp Services, LLC (Resident Agent) 108 W. 13th Street, Suite 100, Wilmington, DE 19801 sam@valleytreepartners.com jack@valleytreepartners.com
Plaintiff's attorney bar number, address, and telephone number Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107; (734) 622-9049; ryant@washtenaw.org Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com		

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- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
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Civil Case

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SUMMONS

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Issue date	Expiration date*	Court clerk
2/21/2025	5/23/2025	/s/ Lawrence Kestenbaum February 21, 2025

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25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

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Name (type or print) _____

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Jury Demand and Preservation Demand

on March 3, 2025

Attachments (if any)

Date and time



Signature

on behalf of VTP River Woods, LLC

Debani T. Gordon Lehman P83909

Name (type or print)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 22nd	SUMMONS	CASE NUMBER 25-000262-CH JUDGE CAROL KUHNKE
Court address 101 E. Huron Street, P.O. Box 8645, Ann Arbor, MI 48107-8645		Court telephone number (734) 222-3270

Plaintiff's name, address, and telephone number
 Washtenaw County Prosecutor ex rel. State of Michigan;
 P.O. Box 8645, Ann Arbor, MI 48107; (734) 222-6620
 City of Ypsilanti; 1 S. Huron St., Ypsilanti, MI 48197; (734)
 483-1810

Plaintiff's attorney bar number, address, and telephone number
 Todd Ryan (P81848); P.O. Box 8645, Ann Arbor, MI 48107;
 (734) 622-9049; ryant@washtenaw.org
 Randolph T. Barker (P62604); 350 S. Main St., Ste. 400, Ann
 Arbor, MI 48104; (734) 761-9000; barker@cmplaw.com

v

Defendant's name, address, and telephone number
 Yaakov ("Jack") Nusbaum

17 Noam Lane
 Lakewood, NJ 08701

jack@valleytreepartners.com

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Issue date 2/21/2025	Expiration date* 5/23/2025	Court clerk /s/ Lawrence Kestenbaum February 21, 2025
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25-000262-CH

Summons (3/23)

Case Number _____

PROOF OF SERVICE

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Name	Date and time of service
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Service fee \$	Miles traveled	Fee \$	
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Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

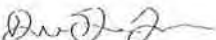
I acknowledge that I have received service of a copy of the summons and complaint, together with

Jury Demand and Preservation Demand

on **March 3, 2025**

Attachments (if any)

Date and time



Signature

on behalf of **Yaakov Nusbaum**

Debani T. Gordon Lehman P83909

Name (type or print)

STATE OF MICHIGAN MI Washtenaw County - 22nd Circuit Court	PROOF OF ELECTRONIC SERVICE	CASE NO. 25-000262-CH
---	------------------------------------	------------------------------

Case Title Washtenaw County Prosecutor et al vs ValleyTree Partners LLC et al
--

1. MiFILE served the following documents on the following persons in accordance with MCR 1.109(G)(6).

Type of Document	Title of Document
Appearance	Washtenaw Pros v VTP - Appearance of JAB 4932-1847-1203 v.1

Person Served	E-mail Address of Service	Date and Time of Service
Todd Michael Ryan	ryant@washtenaw.org	3/4/2025 12:21:39 PM
Washtenaw County Prosecutor	savite@washtenaw.org	3/4/2025 12:21:39 PM
Victoria M. Burton-Harris	burtonharrisv@washtenaw.org	3/4/2025 12:21:39 PM
Randolph T. Barker	barker@cmplaw.com	3/4/2025 12:21:39 PM
William Daniel Troyka	troyka@cmplaw.com	3/4/2025 12:21:39 PM
Andrew D. Sugerman	sugerman@cmplaw.com	3/4/2025 12:21:39 PM
Debani Tanay Gordon- Lehman	Dgordon@Bodmanlaw.com	3/4/2025 12:21:39 PM

2. I, J. Adam Behrendt, initiated the above MiFILE service transmission.

This proof of electronic service was automatically created, submitted, and signed on my behalf by MiFILE. I declare under the penalties of perjury that this proof of electronic service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

3/4/2025
Date

/s/J. Adam Behrendt
Signature

Bodman LLP
Firm (if applicable)

FILED IN Washtenaw County Trial Court; 3/4/2025 12:21 PM

**STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT**

ELI SAVIT, PROSECUTING ATTORNEY
FOR WASHTENAW COUNTY ex rel., the
People of the State of Michigan, and CITY
OF YPSILANTI,

Case No. 25-000262-CH

Hon. Hon. Carol Kuhnke

Plaintiffs,

APPEARANCE OF COUNSEL

v.

VALLEYTREE PARTNERS LLC, VTP A1 LP,
VTP ARBOR GP LLC, VTP ARBOR JV LP, VTP
ARBOR ONE LLC, VTP RIVER WOODS, LLC,
SAMUEL ROSENTHOL, YAAKOV NUSBAUM
and AMY VUJNOV,

Defendants,

**WASHTENAW CUNTY PROSECUTOR'S
OFFICE**

By: Eli Savit (P76528)
Victoria Burton-Harris (P78623)
Todd Ryan (P81848)
P.O. Box 8645
Ann Arbor, MI 48107
(734) 622-9049
ryant@washtenaw.org

Attorneys for Plaintiff State of Michigan

BODMAN PLC

By: J. Adam Behrendt (P58607)
201 W. Big Beaver, Suite 500
Troy, MI 48084
(248) 743-6000

jbehrendt@bodmanlaw.com

Attorneys for Defendants

CONLIN McKENNEY & PHILBRICK PC

By: Randolph T. Barker (P62604)
W. Daniel Troyka (P65155)
Andrw D. Sugarman (P46687)
350 Main St., Suite 400
Ann Arbor, MI 48104
(734) 761-9000
barker@cimplaw.com

Attorneys for Plaintiff City of Ypsilanti

APPEARANCE OF COUNSEL

Please take notice that J. Adam Behrendt of Bodman PLC, hereby enters his appearance as counsel for defendants in the above captioned matter.

Respectfully submitted,

BODMAN PLC

By: /s/ J. Adam Behrendt
J. Adam Behrendt (P58607)
201 W. Big Beaver Road, Suite 500
Troy, MI 48084
(248) 743-6000
abehrendt@bodmanlaw.com
Attorneys for Defendants

Dated: March 4, 2025

PROOF OF SERVICE

I hereby certify that on March 4, 2025, I electronically filed the foregoing papers with the Clerk of the Court using the E-filing system which will send notification of such filing to all attorneys of record.

/s/ J. Adam Behrendt (P58607)

STATE OF MICHIGAN
IN THE 22ND JUDICIAL CIRCUIT

WASHTENAW COUNTY PROSECUTING
ATTORNEY, *ex rel.* the People of the State
of Michigan, and CITY OF YPSILANTI,

PROOF OF SERVICE

Plaintiffs,

v.

VALLEYTREE PARTNERS LLC, et al.,

Case No. 25-000262-CH

Defendants.

The Hon. Carol Kuhnke

Eli Savit (P76528)
Victoria Burton-Harris (P78263)
Todd Ryan (P81848)
WASHTENAW COUNTY PROSECUTOR'S OFFICE
Attorneys for Plaintiff State of Michigan
P.O. Box 8645
Ann Arbor, MI 48107
(734) 222-6620
ryant@washtenaw.org

J. Adam Behrendt (P58607)
Debani T. Gordon Lehman (P83909)
BODMAN PLC
Attorneys for All Defendants
201 W. Big Beaver Rd., Suite 500
Troy, MI 48084
(248) 743-6000
jbehrendt@bodmanlaw.com

Randolph T. Barker (P62604)
W. Daniel Troyka (P65155)
Andrew D. Sugerman (P46687)
CONLIN, MCKENNEY & PHILBRICK, P.C.
Attorneys for Plaintiff City of Ypsilanti
350 S. Main Street, Ste. 400
Ann Arbor, MI 48104
(734) 761-9000
barker@cmplaw.com

PROOF OF SERVICE

I, Todd Ryan, state that on March 17, 2025, I filed Plaintiffs' Joint Motion for Preliminary Injunction, Brief in Support of Plaintiffs' Joint Motion for Preliminary Injunction (with 16 attachments, including placeholders on Attachments 3D and 10C-10P), and a Notice of Hearing, and I served same upon all parties of record through the Court's electronic filing system.

On March 18, 2025, I electronically served Attachments 3D and 10C-10P on the Court and on counsel of record as follows:

Counsel for Defendants

J. Adam Behrendt (P58607), *ABehrendt@BODMANLAW.COM*

Debani T. Gordon Lehman (P83909), *DGordon@BODMANLAW.COM*

Judge Carol Kuhnke (22nd Judicial Circuit)

Daniel Tai, *taid@washtenaw.org*

Judge J. Cedric Simpson (14A-1 Judicial District)

Anne Wiedling, *wiedlinga@washtenaw.org*

On March 18, 2025, I filed this Proof of Service, and I served same upon all parties of record through the Court's electronic filing system.

Pursuant to MCR 2.107(D) and MCR 1.109(D)(3), I declare under the penalties of perjury that this Proof of Service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: March 18, 2025

/s/ Todd Ryan
Todd Ryan (P81848)

STATE OF MICHIGAN WASHTENAW COUNTY TRIAL COURT	ZOOM NOTICE OF MOTION HEARING <input type="checkbox"/> Rescheduled	Case No: 25-000262-CH Judge: Carol Kuhnke (734)222-3001
--	--	---

101 E Huron St., P.O. Box 8645, Ann Arbor, Michigan 48107

Plaintiff(s)/Petitioner(s) Name: Washtenaw County Prosecuting Attorney ex rel. People of the State of Michigan, et	v	Defendant(s)/Respondent(s) Name: ValleyTree Partners LLC, et al.
---	---	--

NOTE: This is a scheduling form, NOT a motion. This form is only used to schedule the hearing on the Judge's docket.
Go online to www.washtenaw.org/3109 for Judge-specific instructions.

1. Motion Title(s): Plaintiffs' Joint Motion for Preliminary Injunction

2. Moving Party: Plaintiff Prosecuting Attorney and Plaintiff City of Ypsilanti
 Attorney for Moving Party: Todd Ryan (P81848); Randolph T. Barker (P62604)
 Phone Number of Attorney/Moving Party: (734) 496-7842

3. Responding Attorneys/Parties (include Bar No.(s))
J. Adam Behrendt (P58607) Debani T. Gordon Lehman (P83909)

4. Names AND Email Addresses for ALL attorneys/parties who will attend the hearing:

It is the responsibility of the moving party to notify all parties involved of the assigned hearing date AND Zoom Meeting ID.

Name	Email Address
<u>Todd Ryan (P81848)</u>	<u>ryant@washtenaw.org</u>
<u>Randolph T. Barker (P62604)</u>	<u>barker@cmplaw.com</u>
<u>J. Adam Behrendt (P58607)</u>	<u>jbehrendt@bodmanlaw.com</u>
<u>Debani T. Gordon Lehman (P83909)</u>	<u>dgordon@bodmanlaw.com</u>

<u>/s/ Todd Ryan (P81848)</u>	<u>3/17/2025</u>
Signature of moving attorney or party	Date

Hearing date approved by Judge Kuhnke's chambers

NOTICE OF HEARING
Contact the Trial Court for available hearing dates

Judge Carol Kuhnke	Date and Time Monday, March 24, 2025 at 1:00pm
------------------------------	--

BELOW ZOOM MEETING ID FILLED IN BY THE COURT ONLY

*Plaintiffs request in-person hearing

ZOOM MEETING ID: 896 108 0727

STATE OF MICHIGAN MI Washtenaw County - 22nd Circuit Court	PROOF OF ELECTRONIC SERVICE	CASE NO. 25-000262-CH
---	------------------------------------	------------------------------

Case Title Washtenaw County Prosecutor et al vs ValleyTree Partners LLC et al
--

1. MiFILE served the following documents on the following persons in accordance with MCR 1.109(G)(6).

Type of Document	Title of Document
Proof of Service	Proof of Service - Motion for Preliminary Injunction

Person Served	E-mail Address of Service	Date and Time of Service
Washtenaw County Prosecutor	savite@washtenaw.org	3/18/2025 7:55:20 AM
Victoria M. Burton-Harris	burtonharrisv@washtenaw.org	3/18/2025 7:55:20 AM
Randolph T. Barker	barker@cmplaw.com	3/18/2025 7:55:20 AM
William Daniel Troyka	troyka@cmplaw.com	3/18/2025 7:55:20 AM
Andrew D. Sugerman	sugerman@cmplaw.com	3/18/2025 7:55:20 AM
Debani Tanay Gordon-Lehman	Dgordon@Bodmanlaw.com	3/18/2025 7:55:20 AM
J. Adam Behrendt	jbehrendt@bodmanlaw.com	3/18/2025 7:55:20 AM

2. I, Todd Ryan, initiated the above MiFILE service transmission.

This proof of electronic service was automatically created, submitted, and signed on my behalf by MiFILE. I declare under the penalties of perjury that this proof of electronic service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

3/18/2025
Date

/s/Todd Ryan
Signature

Washtenaw County Prosecutor's Office
Firm (if applicable)

STATE OF MICHIGAN WASHTENAW COUNTY TRIAL COURT	ZOOM NOTICE OF MOTION HEARING <input type="checkbox"/> Rescheduled	Case No: 25-000262-CH Judge: Carol Kuhnke
--	--	--

101 E Huron St., P.O. Box 8645, Ann Arbor, Michigan 48107

(734)222-3001

Plaintiff(s)/Petitioner(s) Name:
Washtenaw County Prosecuting Attorney
ex rel. People of the State of Michigan, et

v

Defendant(s)/Respondent(s) Name:
ValleyTree Partners LLC, et al.

NOTE: This is a scheduling form, NOT a motion. This form is only used to schedule the hearing on the Judge's docket.
Go online to www.washtenaw.org/3109 for Judge-specific instructions.

1. Motion Title(s): Plaintiffs' Joint Motion for Preliminary Injunction

2. Moving Party: Plaintiff Prosecuting Attorney and Plaintiff City of Ypsilanti

Attorney for Moving Party: Todd Ryan (P81848); Randolph T. Barker (P62604)

Phone Number of Attorney/Moving Party: (734) 496-7842

3. Responding Attorneys/Parties (include Bar No.(s))

J. Adam Behrendt (P58607)

Debani T. Gordon Lehman (P83909)

4. Names AND Email Addresses for ALL attorneys/parties who will attend the hearing:

It is the responsibility of the moving party to notify all parties involved of the assigned hearing date AND Zoom Meeting ID.

Name	Email Address
<u>Todd Ryan (P81848)</u>	<u>ryant@washtenaw.org</u>
<u>Randolph T. Barker (P62604)</u>	<u>barker@cmplaw.com</u>
<u>J. Adam Behrendt (P58607)</u>	<u>jbehrendt@bodmanlaw.com</u>
<u>Debani T. Gordon Lehman (P83909)</u>	<u>dgordon@bodmanlaw.com</u>

/s/ Todd Ryan (P81848)

3/17/2025

Signature of moving attorney or party

Date

Hearing date approved by Judge Kuhnke's chambers

NOTICE OF HEARING

Contact the Trial Court for available hearing dates

Judge Carol Kuhnke	Date and Time Monday, March 24, 2025 at 1:00pm
------------------------------	--

BELOW ZOOM MEETING ID FILLED IN BY THE COURT ONLY

*Plaintiffs request in-person hearing

ZOOM MEETING ID: 896 108 0727

STATE OF MICHIGAN
IN THE 22ND JUDICIAL CIRCUIT

WASHTENAW COUNTY PROSECUTING
ATTORNEY, *ex rel.* the People of the State
of Michigan, and CITY OF YPSILANTI,

Plaintiffs,

v.

VALLEYTREE PARTNERS LLC, et al.,

Defendants.

**PLAINTIFFS' JOINT MOTION
TO FILE A MOTION FOR
PRELIMINARY INJUNCTION
AND BRIEF IN SUPPORT
EXCEEDING 20 PAGES TO BE
HEARD ON 6 DAYS NOTICE**

Case No. 25-000262-CH

The Hon. Carol Kuhnke

Eli Savit (P76528)
Victoria Burton-Harris (P78263)
Todd Ryan (P81848)
WASHTENAW COUNTY PROSECUTOR'S OFFICE
Attorneys for Plaintiff State of Michigan
P.O. Box 8645
Ann Arbor, MI 48107
(734) 222-6620
ryant@washtenaw.org

Randolph T. Barker (P62604)
W. Daniel Troyka (P65155)
Andrew D. Sugerman (P46687)
CONLIN, MCKENNEY & PHILBRICK, P.C.
Attorneys for Plaintiff City of Ypsilanti
350 S. Main Street, Ste. 400
Ann Arbor, MI 48104
(734) 761-9000
barker@cmplaw.com

J. Adam Behrendt (P58607)
Debani T. Gordon Lehman (P83909)
BODMAN PLC
Attorneys for All Defendants
201 W. Big Beaver Rd., Suite 500
Troy, MI 48084
(248) 743-6000
jbehrendt@bodmanlaw.com

**PLAINTIFFS' JOINT MOTION TO FILE A MOTION FOR PRELIMINARY
INJUNCTION AND BRIEF IN SUPPORT EXCEEDING 20 PAGES TO BE HEARD ON
6 DAYS NOTICE**

Plaintiff Prosecuting Attorney for Washtenaw County *ex rel.* the People of the State of Michigan ("State"), and Plaintiff City of Ypsilanti ("City") (collectively, "Plaintiffs"), hereby

move, pursuant to MCR 2.119(a)(2)(A) and MCR 3.310(A)(3), that this Court allow Plaintiffs to file a Motion for Preliminary Injunction and Brief in Support that is up to 30 pages combined, and to allow the Motion for Preliminary Injunction to be heard with 6 days of notice, for the following reasons:

1. First, except as permitted by the court, the combined length of any motion and brief is limited to 20 pages, exclusive of attachments and exhibits. MCR 2.119(A)(2)(a).
2. The court should permit the filing of a combined Motion for Preliminary Injunction and Brief in Support that is up to 30 pages because of the scope of the matters at issue:
 - a. Factual Scope: Plaintiffs have filed this lawsuit to remediate unsafe living conditions at Arbor One Apartments, a complex of 19 buildings with 474 total residential units in the City of Ypsilanti. To date, the City of Ypsilanti has identified 1,113 health, safety, and welfare violations at Arbor One.
 - b. Procedural Scope: This matter involves hundreds of direct enforcement actions by the City of Ypsilanti and related proceedings in state circuit court, state district court, the City of Ypsilanti Administrative Hearings Bureau, federal district court, and most recently, the Washtenaw County Construction Code Board of Appeals.
3. Plaintiffs believe that a full presentation of these issues—particularly in the context of the four-factor standard for preliminary relief, see, e.g., *Alliance for Mentally Ill v. Dep't of Community Health*, 231 Mich App 647, 661; 588 NW2d 133 (1998)—provide good cause to allow a combined brief and motion that exceeds the 20-page limit for standard situations. MCR 2.119(A)(2)(a).

4. Plaintiffs believe that this Court will be aided to reach a decision on the merits by a longer brief which more fully details the factual background and the legal issues involved.
5. Given the complexity of the issues involved, and the need for a full and fair presentation to the Court, Plaintiffs have no objection to a parallel expansion of the page limit for Defendants' response, and to allow Defendants to file a combined response and brief of no more than 30 pages.
6. Second, Plaintiffs show good cause for the court to order the Motion for Preliminary Injunction to be heard on six (6) days of notice instead of seven (7), with a hearing date noticed for March 24, 2025.
7. "A motion for a preliminary injunction must be filed and noticed for hearing in compliance with the rules governing other motions *unless the court orders otherwise on a showing of good cause.*" MCR 3.310(A)(3) (emphasis added); see also MCR 2.119(C)(1)(b) (allowing good cause modifications of seven-day notice timing).
8. Here, Plaintiffs allege that dangerous conditions are threatening the health and safety of hundreds of residents of Arbor One Apartments. This alone presents good cause for a speedy determination on the merits of these allegations.
9. Moreover, on March 17, 2025, Plaintiffs initially filed a previous version of the Motion for Preliminary Injunction in compliance with the full seven days of notice.
 - a. However, on March 18, 2025, the court rejected the electronic filing due to the size of a single supporting document filed with an attachment. MiFILE Rejection Notice, Mar. 28, 2025 ("Exhibit 5B has pages that are flagged as too large").

- b. The exact same attachment in question had already been successfully filed with the court without being rejected. See Compl., Feb. 19, 2025, Attachment D (stamped “FILED IN Washtenaw County Trial Court; 2/19/2025 5:27 PM”).
- c. Defendants received service of the previous version with all of the supporting factual material (16 attachments with supporting documents for a total of 40 separate files) with seven days notice.

10. In addition, Defendants have been on continual notice of the issues presented in this Motion due to the nature of the issues and the corresponding City of Ypsilanti enforcement actions, other court proceedings, direct communications, and myriad other means.

THEREFORE, for the above-stated reasons, the Court should grant Plaintiffs’ Motion and provide the relief requested.

Dated: March 18, 2025

Respectfully submitted,

/s/ Todd Ryan
Todd Ryan (P81848)

/s/ Randolph T. Barker
Randolph T. Barker (P62604)

Eli Savit (P76528)
Victoria Burton-Harris (P78263)
Todd Ryan (P81848)
WASHTENAW COUNTY PROSECUTOR’S OFFICE
Attorneys for Plaintiff State of Michigan
P.O. Box 8645
Ann Arbor, MI 48107
(734) 222-6620
ryant@washtenaw.org

Randolph T. Barker (P62604)
W. Daniel Troyka (P65155)
Andrew D. Sugerman (P46687)
CONLIN, MCKENNEY & PHILBRICK, P.C.
Attorneys for Plaintiff City of Ypsilanti
350 S. Main Street, Ste. 400
Ann Arbor, MI 48104
(734) 761-9000
barker@cmplaw.com

STATE OF MICHIGAN
IN THE 22ND JUDICIAL CIRCUIT

WASHTENAW COUNTY PROSECUTING
ATTORNEY, *ex rel.* the People of the State
of Michigan, and CITY OF YPSILANTI,

PROOF OF SERVICE

Plaintiffs,

v.

VALLEYTREE PARTNERS LLC, et al.,

Case No. 25-000262-CH

Defendants.

The Hon. Carol Kuhnke

Eli Savit (P76528)
Victoria Burton-Harris (P78263)
Todd Ryan (P81848)
WASHTENAW COUNTY PROSECUTOR'S OFFICE
Attorneys for Plaintiff State of Michigan
P.O. Box 8645
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J. Adam Behrendt (P58607)
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Randolph T. Barker (P62604)
W. Daniel Troyka (P65155)
Andrew D. Sugerman (P46687)
CONLIN, MCKENNEY & PHILBRICK, P.C.
Attorneys for Plaintiff City of Ypsilanti
350 S. Main Street, Ste. 400
Ann Arbor, MI 48104
(734) 761-9000
barker@cmplaw.com

PROOF OF SERVICE

I, Todd Ryan, state that on March 18, 2025, I filed Plaintiffs' Joint Motion to File a Motion for Preliminary Injunction and Brief in Support Exceeding 20 Pages To Be Heard On 6 Days Notice, Plaintiffs' Joint Motion for Preliminary Injunction, Brief in Support of Plaintiffs' Joint Motion for Preliminary Injunction (with 16 attachments, including placeholders on Attachments 3D and 10C-10P), Notice of Hearing, and this Proof of Service and I served same upon all parties of record through the Court's electronic filing system.

On March 18, 2025, I electronically served Attachments 3D and 10C-10P on the Court and on counsel of record as follows:

Counsel for Defendants

J. Adam Behrendt (P58607), *ABehrendt@BODMANLAW.COM*

Debani T. Gordon Lehman (P83909), *DGordon@BODMANLAW.COM*

Judge Carol Kuhnke (22nd Judicial Circuit)

Daniel Tai, *taid@washtenaw.org*

Judge J. Cedric Simpson (14A-1 Judicial District)

Anne Wiedling, *wiedlinga@washtenaw.org*

Pursuant to MCR 2.107(D) and MCR 1.109(D)(3), I declare under the penalties of perjury that this Proof of Service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: March 18, 2025

/s/ Todd Ryan

Todd Ryan (P81848)

STATE OF MICHIGAN MI Washtenaw County - 22nd Circuit Court	PROOF OF ELECTRONIC SERVICE	CASE NO. 25-000262-CH
---	------------------------------------	------------------------------

Case Title Washtenaw County Prosecutor et al vs ValleyTree Partners LLC et al
--

1. MiFILE served the following documents on the following persons in accordance with MCR 1.109(G)(6).

Type of Document	Title of Document
Motion	Motion re Page Limit and Hearing Date - 3-18-25
Motion	Motion for Preliminary Injunction - 3-18-25
Brief	Brief in Support of Motion for Preliminary Injunction - 3-18-24
CONNECTED FILING	1 - Property Records
CONNECTED FILING	2 - Business Records
CONNECTED FILING	3 - Affidavit - Jerry Dunham - 3-17-24
CONNECTED FILING	3a - City of Ypsilanti Inspection Records
CONNECTED FILING	3b - City of Ypsilanti Condemnations
CONNECTED FILING	3c - City of Ypsilanti Notices
CONNECTED FILING	3d - City of Ypsilanti Photos and Videos - Coversheet Only
CONNECTED FILING	4 - Affidavit - Joe Meyers - 3-17-25
CONNECTED FILING	4a - Notices - City to Tenants - 3-4-25
CONNECTED FILING	4b - Emails - City w Landlords and Tenants
CONNECTED FILING	4c - Spreadsheet - City of Ypsilanti Review
CONNECTED FILING	4d - Spreadsheet - City of Ypsilanti Totals
CONNECTED FILING	5 - Affidavit - Andrew Hellenga - 3-17-25
CONNECTED FILING	5a - Complaint
CONNECTED FILING	5b - Permit Application - 4-12-24 - resized
CONNECTED FILING	6 - Affidavit - Reica McGuire - 3-17-25
CONNECTED FILING	7 - Affidavit - Reico McGuire - 3-17-25
CONNECTED FILING	8 - Affidavit - Richard Gerringer - 3-15-25
CONNECTED FILING	9 - Affidavit - Kristen Schweighoefer
CONNECTED FILING	10 - Affidavit - Rhonda Woodriffe - 3-17-25.PDF
CONNECTED FILING	10a - Investigation Report
CONNECTED FILING	10b - Documents from Leasing Office.PDF
CONNECTED FILING	10c-10p - Attachments - Coversheet Only
CONNECTED FILING	11 - Email - Schlefstein
CONNECTED FILING	11a - Lease - Schlefstein
CONNECTED FILING	12 - Email - Bohman
CONNECTED FILING	12a - Solicitation of New Tenants
CONNECTED FILING	13 - News Article - WEMU-FM - 3-10-25
CONNECTED FILING	14 - News Article - MLive.com - 2-9-25
CONNECTED FILING	15 - City Ordinance 854 - 5-6-97.PDF
CONNECTED FILING	16 - Proposed Order for Preliminary Injunction
Notice of Hearing	Notice of Hearing
Proof of Service	Proof of Service - Re-Filing - 3-18-25

Person Served	E-mail Address of Service	Date and Time of Service
Washtenaw County Prosecutor	savite@washtenaw.org	3/18/2025 5:49:48 PM
Victoria M. Burton-Harris	burtonharrisv@washtenaw.org	3/18/2025 5:49:48 PM
Randolph T. Barker	barker@cmplaw.com	3/18/2025 5:49:48 PM
William Daniel Troyka	troyka@cmplaw.com	3/18/2025 5:49:48 PM
Andrew D. Sugerman	sugerman@cmplaw.com	3/18/2025 5:49:48 PM
Debani Tanay Gordon-Lehman	Dgordon@Bodmanlaw.com	3/18/2025 5:49:48 PM

J. Adam Behrendt

jbehrendt@bodmanlaw.com

3/18/2025 5:49:48 PM

2. I, Todd Ryan, initiated the above MiFILE service transmission.

This proof of electronic service was automatically created, submitted, and signed on my behalf by MiFILE. I declare under the penalties of perjury that this proof of electronic service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

3/18/2025

Date

/s/Todd Ryan

Signature

Washtenaw County Prosecutor's Office

Firm (if applicable)

STATE OF MICHIGAN
IN THE 22ND JUDICIAL CIRCUIT

WASHTENAW COUNTY PROSECUTING
ATTORNEY, *ex rel.* the People of the State
of Michigan, and CITY OF YPSILANTI,

**PLAINTIFFS' JOINT MOTION
FOR PRELIMINARY
INJUNCTION**

Plaintiffs,

v.

VALLEYTREE PARTNERS LLC, et al.,

Case No. 25-000262-CH

Defendants.

The Hon. Carol Kuhnke

Eli Savit (P76528)
Victoria Burton-Harris (P78263)
Todd Ryan (P81848)
WASHTENAW COUNTY PROSECUTOR'S OFFICE
Attorneys for Plaintiff State of Michigan
P.O. Box 8645
Ann Arbor, MI 48107
(734) 222-6620
ryant@washtenaw.org

J. Adam Behrendt (P58607)
Debani T. Gordon Lehman (P83909)
BODMAN PLC
Attorneys for All Defendants
201 W. Big Beaver Rd., Suite 500
Troy, MI 48084
(248) 743-6000
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Randolph T. Barker (P62604)
W. Daniel Troyka (P65155)
Andrew D. Sugerman (P46687)
CONLIN, MCKENNEY & PHILBRICK, P.C.
Attorneys for Plaintiff City of Ypsilanti
350 S. Main Street, Ste. 400
Ann Arbor, MI 48104
(734) 761-9000
barker@cmplaw.com

PLAINTIFFS' JOINT MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Prosecuting Attorney for Washtenaw County *ex rel.* the People of the State of Michigan ("State"), and Plaintiff City of Ypsilanti ("City") (collectively, "Plaintiffs"), hereby move, pursuant to MCR 3.310, that this court enter a preliminary injunction against Defendants

ValleyTree Partners LLC, VTP A1 LP, VTP Arbor GP LLC, VTP Arbor JV LP, VTP Arbor One LLC, VTP River Woods, LLC, Samuel Rosenthal, and Yaakov Nusbaum (collectively, “Defendants”) to protect the public against public nuisance conditions, to stop violations of the Housing Law of Michigan, and to enjoin unfair and deceptive business practices, for the following reasons, as further discussed in the accompanying Brief in Support of Plaintiffs’ Motion for Preliminary Injunction:

1. Dangerous living conditions are currently threatening the health and safety of hundreds of tenants at Arbor One Apartments.
2. Of the hundreds of rental homes at Arbor One Apartments that the City of Ypsilanti has inspected, over 75% of the homes have health, safety, and welfare violations.
3. The City of Ypsilanti has identified 1,113 health, safety, and welfare violations.
4. These violations include but are not limited to:
 - a. Furnaces and boilers in poor or inoperable condition, with families using kitchen ovens for heat;
 - b. Disturbing drywall that was tested for and documented to have asbestos containing material—without permits or safeguards;
 - c. Leaking, rusted, and broken pipes, drains, and plumbing fixtures;
 - d. Water damage, including collapsing ceilings and mold growth; and
 - e. Insect and vermin infestations, with extensive presence of cockroaches and bed bugs.
5. There are 19 apartment buildings at Arbor One Apartments.
 - a. One building has been burnt out for over a year and appears vacant; and
 - b. The remaining 18 buildings are condemned but remain occupied.

6. Defendants are the owners, managers, operators, and people with control over Arbor One Apartments.
7. In defiance of the law and common sense, Defendants have been renting to new tenants and continuing to demand rent from the people living at Arbor One Apartments.
8. Therefore, through this Motion, the State and the City seek to enjoin the dangerous living conditions at Arbor One Apartments and to stop the ongoing violations of housing and consumer protection laws.

WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief in keeping with the attached Proposed Order:

A) Grant a preliminary injunction requiring Defendants to:

- 1) Provide temporary alternative shelter for tenants who are displaced from residences that must be vacated for health and safety reasons;
- 2) Provide relocation for any tenant who wishes to voluntarily relocate from the property;
- 3) Immediately perform, in a lawful manner, emergency repairs and health and safety related repairs at the property;
- 4) Stop advertising, soliciting, or leasing units that lack a Certificate of Compliance to prospective tenants; and
- 5) Stop unlawfully demanding rent from tenants for the time periods in which their dwelling lacked a legally required Certificate of Compliance from the City of Ypsilanti; and

B) Grant such other relief as is just and equitable.

THEREFORE, for the above-stated reasons, the Court should grant Plaintiffs' Motion for Preliminary Injunction and provide the relief requested.

Dated: March 18, 2025

Respectfully submitted,

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STATE OF MICHIGAN
IN THE 22ND JUDICIAL CIRCUIT

WASHTENAW COUNTY PROSECUTING
ATTORNEY, *ex rel.* the People of the State
of Michigan, and CITY OF YPSILANTI,

Plaintiffs,

v.

VALLEYTREE PARTNERS LLC, et al.,

Defendants.

**BRIEF IN SUPPORT OF
PLAINTIFFS' JOINT MOTION
FOR PRELIMINARY
INJUNCTION**

Case No. 25-000262-CH

The Hon. Carol Kuhnke

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BRIEF IN SUPPORT OF
PLAINTIFFS' JOINT MOTION FOR PRELIMINARY INJUNCTION

The Court should grant the State and City's Motion because Defendants have created and maintained dangerous public nuisance conditions at Arbor One Apartments. The conditions also

violate the Housing Law of Michigan. Moreover, Defendants have continued to solicit new tenants and demand rent without the legal ability to do so, in violation of the Michigan Consumer Protection Act. These are extraordinary circumstances which merit a preliminary injunction.

The relief sought through this Motion is appropriate and necessary to address the urgent state of affairs at Arbor One Apartments. At bottom, the State and the City ask *only* that this Court enjoin Defendants from illegal activity and to abide by the requirements the law imposes. Specifically: Defendants must cease and desist from unlawfully renting out residential units without the legally required Certificate of Compliance—which ensure that the residences are in “safe, healthful and fit condition for occupancy.” Ypsi. City Code 18-149. They must cease and desist from unlawfully seeking to collect rent (in violation of the Ypsilanti City Code) for the time periods in which the dwellings lacked a certificate of compliance. Ypsi. City Code 18-146. And because Defendants have created a public nuisance that endangers the safety, health, and welfare of tenants at Arbor One Apartments, they must abate that nuisance by (1) providing alternative shelter to tenants who are unable to remain at Arbor One due to Defendants’ malfeasance; and (2) immediately performing emergency and health and safety related repairs.

All of the relief sought, in short, would simply require Defendants to abide by the rules they to which they voluntarily chose to subject themselves when they chose to enter the rental housing market in the City of Ypsilanti and the State of Michigan. Defendants were (and remain) under an obligation to provide housing that the City determines is “in safe, healthful and fit condition for occupancy.” Ypsi. City Code 18-149; *see also, e.g.*, MCL 125.402(18) (the Housing Law of Michigan prohibits housing that is detrimental to human health, and defines housing maintained in violation of these standards as a public nuisance). Having failed to abide by these standards—and

having violated state and city laws pertaining to public nuisance and consumer protection along the way—a preliminary injunction is warranted to ensure Defendants’ compliance with the law.

STATEMENT OF FACTS

Defendants Own and Control Arbor One Apartments

Arbor One Apartments is a complex of 19 buildings with 474 total residential units in the City of Ypsilanti. See Property Records (“Attachment 1”). Defendants ValleyTree Partners LLC, Rosenthal and Nusbaum are the members, operators and/or managers of the entire complex. See, e.g., Business Records (“Attachment 2”); Compl. ¶ 26 (information re: ValleyTree Partners as of Feb. 6, 2025). Defendants VTP A1 LP, VTP Arbor GP LLC, VTP Arbor JV LP, and VTP Arbor One LLC are business entities with identified ownership interests in Arbor One North and South. See Property Records, Att. 1.

	Arbor One North	
720 Green Road	721 W. Clark Road	1431 Leforge Road
772 Green Road	773 W. Clark Road	1433 Leforge Road
	Arbor One South	
721/723 Green Road	791/793 Green Road	1243/1425 Leforge Street
725/727 Green Road	801/803 Green Road	1427/1429 Leforge Street

Id. Defendant VTP River Woods LLC is the business entity with identified ownership interests in Arbor One West. See *id.*

	Arbor One West	
815/817 Green Road	835/837 Green Road	847/849 Green Road
823/825 Green Road	841/843 Green Road	853/855 Green Road
829/831 Green Road		

Id.

Dangerous Housing Conditions at Arbor One Apartments

“Dangerous living conditions are currently threatening the health and safety of hundreds of tenants at the Arbor One Apartments.” Affidavit of Jerry Dunham, Mar. 17, 2025 (“Attachment

3”). This Statement of Facts will contain a brief narrative summary, with additional details provided in the attached affidavits of the professionally concerned public servants at the City of Ypsilanti, *id.*; see also Affidavit of Joe Meyers, Mar. 17, 2025 (“Attachment 4”), Affidavit of Andrew Hellenga, Mar. 17, 2025 (“Attachment 5”), as well as the lived experiences of tenants of Arbor One Apartments. See Affidavit of Reica McGuire, Mar. 17, 2025 (“Attachment 6”); Affidavit of Reico McGuire, Mar. 17, 2025 (“Attachment 7”); Affidavit of Richard Gerringer, Mar. 15, 2025 (“Attachment 8”).

The City of Ypsilanti has identified 1,113 health and safety violations at Arbor One Apartments. Spreadsheet of Totals, Meyers Aff., Att. 4D. Every unit is required to have a Certificate of Compliance, which certifies that the units are in in “safe, healthful and fit condition for occupancy,” Ypsi. City Code 18-149, and no unit has a Certificate of Compliance. Meyers Aff., Att. 4D. There have been 21 condemnations. *Id.*; see also, Condemnations, Dunham Aff., Att. 3B.

Among the thousands of identified violations affecting the complex are:

- Exposed live electrical wires.
- Unmitigated insect and vermin infestations, with extensive presence of cockroaches and bed bugs.
- Damaged and/or inoperable heating systems, with many tenants forced to use their kitchen ovens and/or space heaters to stay warm.
- Damaged and inoperable smoke detectors in many rental units and common areas.
- Broken and/or leaking plumbing creates water damage, and corresponding collapsing interior walls and ceilings, mold, mildew, recurring sewage backflows, and other potential health threats.

- Work being performed without required permits and below reasonable standards for materials and workmanship.
- The exterior condition exposes the buildings and residents to the elements. Insecure exterior doors, moreover, further exacerbate safety concerns in an environment with extensive criminal activity.
- Defendants have maintained conditions at Arbor One conducive to rampant criminal activity, including violence, with over 775 police calls in two years.

See, e.g., Dunham Aff., ¶ 5, Att. 3; Reica McGuire Aff., ¶ 10, Att. 6; see generally, Attachments 3-8.

Arbor One Apartments has *already* experienced a catastrophic fire on February 7, 2024, which destroyed 24 units and forced primarily low-income residents out of their homes in the dead of a Michigan winter. See, e.g., Hellenga Aff., ¶ 6(c), Att. 5. Yet Defendants have failed to address the lack of heat that causes off-label use of alternative heat sources, and the lack of smoke detectors. The continued presence of a building partially destroyed by fire and related debris at 773 Clark Rd., Ypsilanti, Michigan, remains an ongoing attractive nuisance and safety hazard. This building has more than 92,000 square feet of asbestos containing material in the drywall alone. See Building Permit & Plan Review Application, Apr. 12, 2024, Att. 5B.

While the dangers present in these conditions are a matter of common sense, the Washtenaw County Health Department provides further support and examples of the health impacts of dangers in rental housing. See Affidavit of Kristen Schweighoefer, Mar. 17, 2025 (“Attachment 9”).

Defendants’ own agent, Stewart Beal, recently took over management of Arbor One Apartments, and publicly stated “I had really no idea how out of control they had gotten.” Kevin

Meerschaert, *New Arbor One management says cleanup will take some time*, WEMU-FM, Mar. 10, 2025 (“Attachment 13”). Mr. Beal also highlighted the scope of the issues present at Arbor One Apartments, publicly stating there are “more than 7,000 problems in total.” Sophia Kalakailo, *Condemnations, legal battles at Ypsilanti apartment lead to new management*, MLive.com, Feb. 9, 2025 (“Attachment 14”).

Condemned Buildings and Illegal Rentals

On September 17, 2024, under City Code § 18-149, the City revoked all active Certificates of Compliance for the Arbor One Apartment buildings based upon Defendants’ failure and refusal to correct violations affecting the exterior of apartment buildings situated at the complex. This prohibited Defendants from renting units or collecting rent from any tenant from that date forward. Following a hearing before the City’s Administrative Hearings Bureau, Defendants were found responsible for each of the underlying violations.

On December 9, 2024, the City issued condemnation orders on eight (8) of the Arbor One Apartment buildings, meaning the residents of those buildings were and continue to face the threat of forced displacement and the potential for homelessness.

On February 7, 2025, the City issued condemnation orders on the ten (10) remaining occupied buildings, meaning all the residents of Arbor One Apartments are facing the threat of forced displacement and the potential for homelessness.

As of February 20, 2025, a hearing officer determined that Defendants were responsible for dozens of first and second violations of the City Code for unlawfully permitting occupancy of rental units without a Certificate of Compliance, and in buildings that have been condemned.

As of March 4, 2025, the City has thus far “red-tagged” five Arbor One buildings in their entirety – those addressed 815 Green Rd., 829 Green Rd., 841 Green Rd., 847 Green Rd., and 1427

LaForge – in addition to dozens of individual units throughout the complex, ordering them immediately vacated because they are dangerous and unfit for human occupancy.

Despite revocations of the Certificates of Compliance – and even after the condemnations of the entire apartment complex and red-tagging of approximately one third of the complex to date – Defendants refuse to relent in their efforts to advertise and offer apartments for rent, solicit prospective tenants, and demand rent from existing tenants. Among other things, investigators contracted by the Prosecutor’s Office have confirmed that Defendants have continued to offer apartments that lack Certificates of Compliance for rent, and advertisements for Arbor One Apartments continue to be widely circulated online. See, e.g., Affidavit of Rhonda Woodriffe, Mar. 17, 2025 (“Attachment 10”); Email from Schlefstein to City of Ypsilanti (“Attachment 11”); Email from Bohman to Prosecutor’s Office (“Attachment 12”).

During a hearing held February 21, 2025, Defendants’ conduct in failing to make repairs for individual units with cases before the court prompted the 14A-1 District Court to issue an order directing Defendants to show cause why they should not be held in civil contempt. That show cause matter was scheduled for hearing before that court on March 11, 2025, since adjourned at Defendants’ request to March 24, 2025.

ARGUMENT

The Court should issue a preliminary injunction against Defendants because Defendants are creating and maintaining dangerous conditions that threaten the health and safety of the public. The scope and severity of the housing conditions at Arbor One Apartments are extraordinary circumstances, and these facts merit the Court granting relief through a preliminary injunction. Moreover, every tenant at Arbor One Apartments is facing housing instability and potential homelessness because the dangerous conditions have required the City to issue

condemnation notices and orders.

All four factors for consideration support issuing a preliminary injunction: (1) the likelihood that the party seeking the injunction will prevail on the merits; (2) the danger that the party seeking the injunction will suffer irreparable injury if the injunction is not issued; (3) the risk that the party seeking the injunction would be harmed more by the absence of an injunction than the opposing party would be by granting of the relief; and (4) the harm to the public interest if the injunction is issued. See, e.g., *Alliance for Mentally Ill v. Dep't of Community Health*, 231 Mich App 647, 661; 588 NW2d 133 (1998); *Campau v. McMath*, 185 Mich App 724, 728-729 (1990) (citing *Michigan State Employees Ass'n v Dep't of Mental Health*, 421 Mich 152, 157-158 (1984)). As the moving parties, Plaintiffs have the burden of establishing that a preliminary injunction should issue. MCR 3.310(A)(4). Plaintiffs meet that burden as follows:

I. The State and the City are likely to prevail on the merits of their claims.

The State and the City are likely to prevail on the merits of their claims Defendants have violated the law, including but not limited to: creating and maintaining a public nuisance; violating the prohibitions and requirements of the Housing Law of Michigan; and engaging in unfair and deceptive business practices.

A. Arbor One Apartments is an abatable public nuisance.

There are extensive health and safety threats to the community at Arbor One Apartments. Under state common law, “[p]ublic nuisance includes interference with the public health, the public safety, the public morals, the public peace, the public comfort, and the public convenience in travel.” *Bronson v Oscoda Twp*, 188 Mich App 679, 684; 470 NW2d 688, 690 (1991) (citations omitted). The Housing Law of Michigan’s definition of public nuisance incorporates all common law nuisances and adds additional breadth, as follows:

Nuisance. The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever dwelling is overcrowded with occupants or is not provided with adequate ingress and egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this act, nuisances . . .

MCL 125.402(18). The Housing Law of Michigan then prohibits such nuisances: “all such nuisances are hereby declared illegal.” *Id.* Similarly, the Ypsilanti Code of Ordinances declares “whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency . . . or in any way renders the public insecure in life or property” to be a public nuisance. Ypsilanti Ordinances, § 42-31 (“Definitions”). The Ypsilanti Code of Ordinances forbids such public nuisances: “No person shall commit, create, or maintain any nuisance.” Ypsilanti Ordinances, § 42-32 (“Prohibited acts and conditions”).

The conditions at Arbor One Apartments are inarguably a public nuisance. Among other things, multiple buildings have been condemned by the City as a result of “mold growth, heating/plumbing issues, sewage leaks, cockroaches and bed bug infestation, and other infractions.” Affidavit of Joe Meyers, Att. 4; *see also* Affidavit of Jerry Dunham, Att. 3. The fire-damaged building at 773 Clark Road still has not been demolished, and “contains more than 92,000 square feet of asbestos containing hazardous materials.” Affidavit of Joe Meyers, Att. 4. By their very terms, the conditions at Arbor One violate the statutory definition of public nuisance, as outlined in the Housing Law of Michigan. The Housing Law provides that “*whatever* dwelling” is (1) “overcrowded with occupants”; (2) lacks “adequate ingress and egress;” or (3) “is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted” constitutes a public nuisance. MCL 125.402(18) (emphasis added). Jerry Dunham’s affidavit provides a sampling of the myriad ways in which the conditions at Arbor One violate this

statutory standard, including but not limited to:

- **Overcrowding with occupants:**
 - “Allowing unauthorized occupancy of vacant units,” Affidavit of Jerry Dunham, Att. 3;
 - “Permitting unauthorized occupancy in utility rooms and under stairwells,” *id.*
- **Lacking adequate ingress and egress:**
 - “Damaged/unsecure exterior entry doors, permitting trespassers to freely enter the building,” *id.*;
 - “Damaged/unsecure interior and exterior entry doors to utility/boiler rooms,” *id.*;
- **Not sufficiently supported:**
 - “Damage/deterioration of the roof and roofing materials,” *id.*;
 - “gaps/holes in exterior walls,” *id.*
 - “deteriorating/poorly repaired exterior brickwork,” *id.*
 - “buckling flooring,” *id.*
 - “incomplete repairs, including open drywall and improper water, mold, and sewage remediation,” *id.*;
- **Not sufficiently sewer/drain/d:**
 - “Leaking/rusted/broken pipes/drains/fixtures,” *id.*;
 - “sewage backups in individual rental units and sewage in common corridors,” *id.*;
 - “water damage and mold growth/accumulation in rental units,” *id.*;
 - “improper water, mold, and sewage remediation,” *id.*
- **Not sufficiently ventilated:**
 - “Brick sealing of an exterior wall at 815 Green Road such that exhaust from heating units is unable to ventilate to the outside air,” *id.*;
- **Not sufficiently cleaned/lighted:**
 - “Severe and unmitigated long-term infestation of vermin (cockroaches and bedbugs),” *id.*;
 - “Lack of working utilities,” *id.*, and
 - “accumulation of trash, debris, combustibles, human and animal waste, and food waste.”

All of those conditions squarely violate the statutory public nuisance standard. MCL

125.402(18).

But lest there be any doubt, the conditions at Arbor One pose a severe threat to public safety, public health, public morals, and the public peace as well—thus further violating Michigan’s common-law nuisance standard. *Bronson*, 188 Mich App at 684; 470 NW2d at 690. This includes the threat of a catastrophic fire. In a complex that has *already* experienced one such fire, there is an “accumulation of “combustibles,” “[l]oose/exposed hanging high and low voltage wires,” “[c]ompromised fire rated assemblies,” and “[d]amaged and/or nonfunctioning smoke and

carbon monoxide detectors.” Affidavit of Jerry Dunham, Att. 3. Compounding matters, because “[f]urnaces and boilers are in poor or inoperable condition,” residents are forced to “use space heaters and stoves as ambient heat sources within rental units because the units lack heat.” *Id.* The probability of a catastrophic fire is thus pronounced, plainly posing a threat to public safety, public health, and public peace. *Bronson*, 188 Mich App at 684; 470 NW2d at 690.

Even beyond those risks, tenants’ health and safety are threatened each day that they are exposed to the conditions at Defendants’ properties. As Kristen Schweighofer, Director of the Environmental Health Division of the Washtenaw County Health Department, explains, the presence of cockroaches “can make asthma worse . . . and cause allergic reactions in those that are sensitive.” Affidavit of Kristen Schweighofer, Mar. 17, 2025 (“Attachment 9”). Cockroaches can also “carry diseases,” and “help spread bacteria;” the threat is particularly pronounced for “young children who often spend more time indoors.” *Id.* Bedbugs, moreover, can cause “an allergic reaction or a severe skin reaction when bit,” as well as creating “significant social stigma.” *Id.* Sewage backups can spread pathogens that “cause short- or long-term gastrointestinal infections,” requiring “medical treatment, hospitalization, or even death.” *Id.* Visible mold can “cause allergic reactions, irritants, and in some cases potentially toxic substances called mycotoxins.” *Id.* And asbestos is a “known human carcinogen” that, once inhaled, “can enter lungs and remain there for a long time, leading to future health impacts.” *Id.*

All of these conditions are present at Arbor One Apartments. These conditions pose a severe threat to the health and safety of residents and have engendered fear in the minds of neighbors and disrupted the peace and quiet of the residents of the neighborhood. *Rental Prop Owners Ass’n of Kent Co v City of Grand Rapids*, 455 Mich 246, 250; 566 NW2d 514, 516 (1997). Therefore, the State and the City are likely to prevail on their claims that Arbor One

Apartments is a public nuisance, subject to abatement.

B. Defendants are violating the Housing Law of Michigan.

Defendants have violated the Housing Law of Michigan by failing to provide maintenance and repair to Arbor One Apartments. The City is the “[e]nforcing agency . . . charged with responsibility for administration and enforcement of” the Housing Law of Michigan. MCL 125.402a. Arbor One Apartments are “dwellings” subject to the Housing Law of Michigan because they are the home, residence, living or sleeping space of human beings. MCL 125.402(1). Arbor One Apartments are “Class A” multiple dwellings. MCL 125.402(2)(c), (3). Arbor One Apartments are “sub-standard dwellings” because they have defective plumbing. MCL 125.402(1a).

The conditions at Arbor One Apartments violate the prohibition on dangerous buildings in the Housing Law of Michigan, MCL 125.538, including but not limited to: “The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.” MCL 125.529(f). “A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.” MCL 125.539(h). “A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.” MCL 125.539(i).

The conditions at Arbor One Apartment violate various enumerated prohibitions and requirements of the Housing Law of Michigan, including but not limited to: The basement rooms “shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human

habitation.” MCL 125.468(6). “[T]he floor or other surface beneath and around water-closets and sinks shall be maintained in good order and repair and if of wood shall be kept well painted.” MCL 125.470. “Every dwelling and all the parts thereof including plumbing, heating, ventilating and electrical wiring shall be kept in good repair by the owner.” MCL 125.471. “The owner of every dwelling shall be responsible for keeping the entire building free from vermin.” MCL 125.474. “Each dwelling unit contained within a class ‘A’ multiple dwelling shall be equipped with a single-station or multiple-station smoke alarm . . .” MCL 125.482a. “In all dwellings, plumbing fixtures shall be so arranged and maintained as to prevent the wetting of the supporting or surrounding framework which may cause an insanitary condition.” MCL 125.491. “The floor and wall surfaces beneath and adjacent to all plumbing fixtures shall be maintained in a sound and sanitary condition.” *Id.* “Defective and insanitary plumbing fixtures, which cannot be repaired, shall be replaced by approved fixtures.” *Id.* “Such water-closets and all plumbing in connection therewith shall be sanitary in every respect and, except as in this act otherwise provided, shall be in accordance with the local ordinances and regulations in relation to plumbing and drainage.” MCL 125.492.

The City has inspected Arbor One Apartments pursuant to the Housing Law of Michigan and its own City Code “in the public interest, to secure the health and safety of the occupants of dwellings and of the general public.” MCL 125.528. The City has provided notice of violations of the Housing Law of Michigan to Defendants, including but not limited to, the condemnation notices for eight buildings in December 2024 and the others in February 2025, and Defendants have failed to comply with the orders to correct the violations contained in the notices of violation. MCL 125.534(1).

Therefore, Plaintiff City of Ypsilanti is likely to prevail on the merits of its Housing Law

of Michigan claims.

C. Defendants are violating the Michigan Consumer Protection Act.

The Michigan Consumer Protection Act prohibits thirty-eight (38) enumerated “[u]nfair, unconscionable, or deceptive methods, acts, or practices in the conduct of trade or commerce.” MCL 445.903(1). By renting apartments without the legally mandated Certificate of Compliance from the City of Ypsilanti, Defendants violated the MCPA in multiple ways.

A Certificate of Compliance is required for any “multiple dwelling or one- or two-unit rental dwelling within the City of Ypsilanti. City Code §§ 18-146, 18-149. “No person, including but not limited to the owner, the owner/agent, and the owner's agent, shall rent, lease, or allow occupancy of a dwelling unit . . . unless that owner, owner/agent, or owner's agent has first obtained a valid certificate of compliance from the city.” City Code § 18-146. A Certificate of Compliance certifies that a dwelling is “safe, healthful and fit condition for occupancy.” City Code § 18-149. It is a certification of baseline habitability standards that tenants are entitled to rely upon when renting a unit.

On September 17, 2024, the City revoked Arbor One’s Certificates of Compliance, owing to the abhorrent conditions outlined above. Nevertheless, Defendants continued to advertise, rent, and demand rent for units that lacked a Certificate of Compliance, in flagrant violation of the Ypsilanti City Code and/or state law. See, e.g., Affidavit of Rhonda Woodriffe, Mar. 17, 2025 (“Attachment 10”); Email from Schlefstein to City of Ypsilanti (“Attachment 11”); Email from Bohman to Prosecutor’s Office (“Attachment 12”).

Each such action and/or each day of such continuing conduct violated the Michigan Consumer Protection Act in multiple ways, including but not limited to the following:

- Causing a probability of confusion or misunderstanding regarding the approval or certification of Arbor One Apartments, MCL 445.903(1)(a);
- Representing that Arbor One Apartments had sponsorship, approval, and characteristics that they did not have, MCL 445.903(1)(c);
- Representing that Arbor One Apartments had a different standard, quality, or grade than they were, MCL 445.903(1)(e);
- Advertising or representing Arbor One Apartments to consumers without the intent to dispose of them as advertised or represented, MCL 445.903(1)(g);
- Causing a probability of confusion as to the legal rights, obligations, or remedies of a party to a transaction, MCL 445.903(1)(n);
- Misrepresenting facts regarding the ability to rent properties such that consumers reasonably believed Defendants had the ability to rent properties, MCL 445.901(1)(bb); and
- Failing to reveal facts that were material to the transaction in light of positive factual representations, MCL 445.903(1)(cc).

Every time Defendants illegally entered a lease with a prospective tenant violated the foregoing provisions of Michigan Consumer Protection Act. And though Defendants’ decision to advertise and solicit tenants without a baseline certification of health and safety was a facial violation of the Consumer Protection Act, it bears emphasis that the manner in which Defendants advertised was egregiously misleading. Far from putting consumers on notice of the abhorrent “standard, quality, or grade” of the (condemned) apartments, MCL 445.903(1)(c); Defendants’ advertising brags about the “upscale living at Arbor One Apartments,” and the units’ “comfortable and convenient” living standards. See, e.g., Attachment E to Attachment

10, Affidavit of Rhonda Woodriffe, Mar. 17, 2025.

What is more, Defendants unlawfully demanded and/or accepted rent from former, current, and prospective tenants, without the legal ability to do so. The Ypsilanti City Code expressly provides that tenants are not “obligated to pay rent for any time period” in which a unit lacks a “valid certificate of compliance from the city building inspection department.” City Code § 58-122(d); § 58-122(a)(2). Thus, each and every time Defendants demanded or collected rent from the date of revocation of the Certificates of Compliance on September 18, 2024 forward. Every time Defendants illegally demanded and/or accepted rent violated the Michigan Consumer Protection Act in violated the Michigan Consumer Protection Act in the following ways:

- Causing a probability of confusion or misunderstanding regarding the approval or certification of Arbor One Apartments, MCL 445.903(1)(a);
- Representing that Arbor One Apartments had sponsorship, approval, and characteristics that they did not have, MCL 445.903(1)(c);
- Representing that Arbor One Apartments had a different standard, quality, or grade than they were, MCL 445.903(1)(e);
- Causing a probability of confusion as to the legal rights, obligations, or remedies of a party to a transaction, MCL 445.903(1)(n);
- Misrepresenting facts regarding the ability to rent properties such that consumers reasonably believed Defendants had the ability to rent properties, MCL 445.901(1)(bb); and
- Failing to reveal facts that were material to the transaction in light of positive factual representations, MCL 445.903(1)(cc).

Once again, Defendants' conduct reflects straightforward violations of both the Ypsilanti City Code and the Michigan Consumer Protection Act. Therefore, Plaintiff Prosecutor is likely to prevail on the merits of the Michigan Consumer Protection Act claims.

II. There is a danger the public will suffer irreparable injury if the injunction is not issued.

There is a significant risk of irreparable injury if the requested preliminary injunction is not issued. The requested preliminary injunction would require Defendants to:

- (1) provide temporary alternative shelter for tenants who are displaced from residences that must be vacated for health and safety reasons;
- (2) provide relocation from any tenant who wishes to voluntarily relocate from the property;
- (3) immediately perform, in a lawful manner, emergency repairs and health and safety related repairs at the property;
- (4) stop advertising, soliciting, or leasing units that lack a Certificate of Compliance to prospective tenants; and
- (5) stop unlawfully demanding rent from tenants for the time periods in which their dwelling lacked a legally required Certificate of Compliance from the City of Ypsilanti.

These tailored requirements are necessary to alleviate irreparable injury to tenants.

In order for a preliminary injunction to issue, a *risk* of irreparable harm is sufficient, and certainty of irreparable harm is not required. “The next factor to consider is the *danger* that the party seeking the injunction will suffer irreparable injury if the injunction is not issued.” *All. for Mentally Ill of Michigan v Dept of Cmty Health*, 231 Mich App 647, 664; 588 NW2d 133, 141 (1998) (emphasis added) (discussing preliminary injunctions). The requested preliminary relief—which would require relocation of tenants whose health and safety is at risk, and prevent Defendants from further violating the law—is necessary to alleviate the risk of irreparable harm.

A. Relocation Assistance

The abhorrent conditions in Defendants' apartments pose a significant risk of irreparable harm. As outline above, *see supra* I.A, the conditions at Arbor One are such that there is a significant risk of a calamitous fire that could result in a catastrophic loss of life. Again, it bears emphasis that this risk is far from conjectural. One building at Arbor One has *already* experienced a catastrophic fire, and Defendants have failed to remedy conditions to alleviate that risk. Among other things, Defendants have failed to remedy exposed wires, broken smoke and carbon monoxide detectors, and a lack of heat that forces residents to use space heaters and stoves as ambient heat sources. Affidavit of Jerry Dunham, Att. 3.

Compounding matters, the unsanitary conditions at Arbor One pose a significant risk to the health, safety, and welfare of residents. The cockroaches, bedbugs, asbestos, mold, and unabated sewage at the property creates significant irreparable health risks—risks that are particular pertinent for children that are living at the apartments. Again, the affidavit of Kristen Schweighofer, Director of the Environmental Health Division of the Washtenaw County Health Department, is instructive. Director Schweighofer lays out how exposure to the foregoing conditions can cause asthma, cancer, and transmissible diseases that are spread through the vermin and sewage to which residents at Arbor One are exposed. Affidavit of Kristen Schweighoefer, Att. 9.

The risk of irreparable harm if residents in condemned units are not relocated is thus pronounced. Nothing can repair the loss of life that might result from a catastrophic fire. Nothing can repair the potentially lifelong health issues that might result from exposure to the dangerous conditions at Arbor One. Having created and exacerbated these conditions in flagrant violation of the law, Defendants should be required to alleviate the risk of irreparable harm.

And to be clear, there is no viable solution other than requiring Defendants to provide relocation for residents that will alleviate these risks. Many of the tenants in Defendants' units are low-income and have housing vouchers. See, e.g., Affidavit of Reica McGuire, Mar. 17, 2025 ("Attachment 6"). These tenants are not economically able to simply pack up and move to alternative dwellings. Nor, frequently, are they *physically* able to do so. Elderly residents—even if they can find alternative living arrangements—are frequently unable to engage in "strenuous labor." *Id.* The only solution to alleviate the irreparable risk of harm is to require Defendants to provide what they were legally obligated to provide in the first place: namely, a dwelling that is "safe, healthful and fit condition for occupancy." City Code § 18-149.

B. Cessation of Unlawful Advertising and Solicitation

Compounding matters, Defendants' continuing violations of the Michigan Consumer Protection Act only exacerbates the risk of irreparable harm. By advertising and renting units without the legally mandated Certificate of Compliance, Defendants are exposing *new* tenants to the dangerous conditions at their properties. That, in turn, exacerbates the risk of irreparable harm to a new subset of residents. As outlined above, *see Supra I.C.*, such solicitation and advertising is unlawful in the first instance, and alleviating the risk of irreparable harm requires Defendants to cease such conduct.

C. Cessation of Unlawful Requests for Rent

Further, unlawfully obligating tenants to pay rent for periods during which their unit lacked a Certificate of Compliance is an ongoing violation of the City of Ypsilanti's Ordinance, City Code § 58-122(d); § 58-122(a)(2), as well as the Michigan Consumer Protection Act. See *supra I.C.* It is, moreover, a violation that creates and perpetuates fear and uncertainty that chills

tenants from asserting their rights to safe housing—and inhibits tenants from relocating to safer housing voluntarily.

As outlined in the affidavit of Reica McGuire, Defendants are using purportedly “past due rent”—rent *that was illegal for them to demand in the first instance*, City Code § 58-122(d); § 58-122(a)(2)—as a reason to deny relocation services, and to otherwise refuse to repair dangerous units. Affidavit of Reica McGuire, Att. 6 (elderly resident on Section 8 voucher recounting how, when she asked for assistance relocating from her red-tagged unit, the “owners responded by saying . . . she owes \$2,920.94 in past due rent,” and she should “go to her son[‘s]”—even though her disability prevented her from living in her son’s apartment). The confusion and coercion that stems from Defendants’ unlawful demands for rent exacerbates the risk of harm to tenants, and risks forcing them to stay in unsafe units and/or to relocate to living situations that would be equally unsafe. A preliminary injunction preventing Defendants from unlawfully demanding rent is necessary to alleviate these irreparable harms.

D. Expeditiously Repairing Units in a Lawful Manner

Finally, there is a significant risk of irreparable harm if Defendants fail to provide health-and-safety related repairs and emergency repairs in a lawful manner. To be sure, temporary relocation is necessary for tenants who are facing imminent threats to their health and safety. But temporary relocation is not a viable long-term solution. Tenants may choose to live at Arbor One for any number of reasons. It may be on a bus line to work. It may be close to their children’s school. Or they may have relatives in or around the complex that can assist them with health and safety needs. Cf, e.g., Affidavit of Reica McGuire, Att. 6 (elderly tenant explaining that her son lives in another unit in the building).

In short, through no fault of their own, tenants at Arbor One are facing the risk of irreparable harm. As things stand, they can either (1) remain in units that are unsafe (and risk exposure to disease, health consequences, and potential loss of life), or (2) relocate (disrupting their work, education, and other life commitments). It is impossible to categorize the full range of irreparable harms that might stem from the latter option (forced relocation). But as Director Schweighoefer avers, “[f]amilies experiencing housing instability experience physical and mental health challenges, from elevated rates of childhood and chronic diseases and mortality, to stress, deprivation, anxiety, and suicide.” Affidavit of Kristen Schweighoefer, Att. 9.

Thus—though relocation of some residents is necessary in the short term—alleviating the risk of irreparable harm ultimately requires Defendants to expeditiously make the necessary repairs to their units. Only then will tenants be able to enjoy what they are entitled to: safe, habitable, and *stable* living conditions. But to alleviate the possibility of ongoing harm, these repairs must also be conducted in a *lawful* manner. Defendants must be enjoined from performing repairs without necessary permits, and Defendants must allow the City to inspect the work that they have done to ensure that the potentially catastrophic risks at Arbor One do not recur.

III. The public will be harmed more by the absence of an injunction than Defendants will be harmed by the injunction.

The harm to the public greatly outweighs any cognizable harm to Defendants arising from the injunctive relief requested. The weight of the harm to the public is established by the extensive violations of the law (a statement of public policy). And it is inherent in the irreparable nature of the harm, as discussed *supra*.

To be clear, the risk to the public is pronounced. Tenants who are exposed to the dangerous living conditions at Arbor One are at increased risk for communicable diseases—

diseases that can be spread to the broader community as well. Affidavit of Kristen Schweighoefer, Att. 9. The physical and mental health challenges that stem from exposure to these conditions will radiate outwards into the community. Medical providers might be forced to shoulder the increased costs. Schools and social service providers will be forced to serve additional families facing housing instability, “elevated rates of childhood and chronic disease,” and “mortality” due to “stress, depression, anxiety, and suicide.” *Id.* All of this is why living conditions like those at Arbor One are categorized as a *public* nuisance, which poses a threat to “public safety, public health, and public peace.” *Bronson*, 188 Mich App at 684; 470 NW2d at 690.

By contrast, issuance of the preliminary injunction will result in little to no cognizable legal harm to Defendants. At bottom, Plaintiffs are simply requesting that the Court require Defendants to follow the law, and to provide the habitable residences they were *legally obligated to provide* when they made the decision to rent residential properties in the City of Ypsilanti and the State of Michigan. Plaintiffs are asking this Court to protect the public through the relief requested in the Proposed Order (“Attachment 16”). *See Ypsilanti Charter Tp v Kircher*, 281 Mich App 251, 275-76; 761 NW2d 761, 777 (2008) (this Court has “broad equitable authority to abate nuisances”). By contrast, Defendants have no legally cognizable interest in creating dangerous conditions that threaten the public health.

The relief requested is designed to be enforceable and is carefully tailored based on the costs and benefits at issue—but the safety of the public is the most vital and overriding concern present.

At base, Defendants never had any sort of right or privilege to create dangerous conditions—conditions related to 1,113 identified health and safety violations at Arbor One

Apartments. Therefore, the public will be harmed more by the absence of an injunction than Defendants will be harmed by the injunction.

IV. The public interest will not be harmed if the injunction is issued. Instead, issuing the injunction will benefit the public interest.

The public interest at issue here is established beyond prevarication due to the very nature of a public nuisance, the Housing Law of Michigan, the Michigan Consumer Protection Act, and City of Ypsilanti Ordinances. “[W]hen the legislature has spoken, the public interest has been declared in terms well-nigh conclusive.” *Berman v. Parker*, 348 US 26, 32; 75 S Ct 98; 99 L Ed 27, 37 (1954); accord *Gregory Marina, Inc v. Detroit*, 378 Mich 364, 393; 144 NW2d 503 (1966) (quoting *Berman*). The City of Ypsilanti’s public nuisance ordinance and related housing enforcement ordinances, the action of a “municipal legislative body,” likewise “enjoy[s] a presumption of validity” in determining the public interest. *Horton v. Kalamazoo*, 81 Mich App 78 (1978) (citing *Watnick v. Detroit*, 365 Mich 600 (1962)). “[D]etermination of what constitutes a public purpose involves considerations of economic and social philosophies and principles of political science and government. Such determinations should be made by the elected representatives of the people.” *Id.* (quoting *Gregory Marina, Inc v. Detroit*, 378 Mich 364, 394; 144 NW2d 503 (1966)) (internal quotation marks omitted).

The above legal arguments comport with the common-sense notion that the public has an interest in protecting people from dangerous and illegal public nuisance conditions, and they demonstrate the wisdom of the law providing statutory and common law tools to stop dangerous conduct before further harm is done to the public.

THEREFORE, for the above-stated reasons, the Court should grant Plaintiffs’ Motion for Preliminary Injunction and provide the relief requested.

Dated: March 24, 2025

Respectfully submitted,

/s/ Todd Ryan

Todd Ryan (P81848)

Eli Savit (P76528)

Victoria Burton-Harris (P78263)

Todd Ryan (P81848)

WASHTENAW COUNTY PROSECUTOR'S OFFICE

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INDEX TO ATTACHMENTS

1. Property Records
2. Business Entity Records
3. Affidavit of Jerry Dunham
 - A. City of Ypsilanti Inspection Records
 - B. City of Ypsilanti Condemnations
 - C. City of Ypsilanti Notices
 - D. City of Ypsilanti Photos and Videos
4. Affidavit of Joe Meyers
 - A. Notices – City of Ypsilanti to Tenants
 - B. Emails – City of Ypsilanti with Landlords & Tenants
 - C. Spreadsheet – City of Ypsilanti – Reviewing & Categorizing Violations
 - D. Spreadsheet – City of Ypsilanti – Totals
5. Affidavit of Andrew Hellenga
 - A. Complaint, Case No. 25-000262-CH
 - B. Building Permit & Plan Review Application
6. Affidavit of Reica McGuire
7. Affidavit of Reico McGuire
8. Affidavit of Richard Gerringer
9. Affidavit of Kristen Schweighoefer
10. Affidavit of Rhonda Woodriffe
 - A. Investigation Report
 - B. Documents from Leasing Office
11. Email from Schlefstein to City of Ypsilanti
 - A. Schlefstein Lease
12. Email from Bohman to Prosecutor's Office
 - A. Image of Solicitation of New Tenants
13. Kevin Meerschaert, *New Arbor One management says cleanup will take some time*, WEMU-FM, Mar. 10, 2025
14. Sophia Kalakailo, *Condemnations, legal battles at Ypsilanti apartment lead to new management*, MLive.com, Feb. 9, 2025
15. City of Ypsilanti Ordinance No. 854
16. Proposed Order for Preliminary Injunction

ATTACHMENT 1
PROPERTY RECORDS

11/03/2020 10:58 AM Total Pages: 11
Lawrence Kestenbaum, Washtenaw Co

fidel

Record and return to:
Madison Title Agency, LLC
1125 Ocean Avenue
Lakewood, NJ 08701
MTA 146385

COVENANT DEED

The Grantor: Arbor One 18 LLC, a Delaware limited liability company

whose address is: 301 W. Michigan Avenue, Suite 411, Ypsilanti, Michigan 48197,

Grants and Conveys to VTP A1 LP, a Delaware limited partnership

Whose address is: 920 E. County Line Rd., Suite 103, Lakewood, New Jersey 08701

The following described premises situated in City of Ypsilanti and the Township of Ypsilanti, County of Washtenaw, State of Michigan, to wit, as further described on **Exhibit A** attached hereto and made a part hereof (the "Premises"), together with all tenements, hereditaments, improvements and appurtenances, if any, belonging or in anywise appertaining thereto; for the consideration set forth on the Real Property Transfer Valuation Affidavit filed, the receipt and adequacy of which is hereby acknowledged.

1108

The Grantor covenants and agrees that as of the date of this Deed it has not done or suffered to be done anything by which the Premises is, or may be, in any manner encumbered or charged, and Grantor warrants and agrees to defend the Premises to Grantee, its successors and assigns, against the lawful claims of all persons claiming by, through or under Grantor and against no others, subject only to those matters set forth in **Exhibit B** attached hereto (the "Permitted Exceptions").

See attached Private Road Notice

Grantor grants to the Grantee the right to make all permitted divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Time Submitted for Recording
Date 10-22-2020 Time 11:50am
Lawrence Kestenbaum
Washtenaw County Clerk/Register

Dated: August 31, 2020

13

Time Submitted for Recording
Date 9-3-2020 Time 10:25am
Lawrence Kestenbaum
Washtenaw County Clerk/Register

Time Submitted for Recording
Date 10-28-2020 Time 9:50am
Lawrence Kestenbaum
Washtenaw County Clerk/Register

WASHTENAW COUNTY TREASURER
TAX CERTIFICATE NO. 041987127L

Time Submitted for Recording
Date 11-3-2020 Time 10:03am
Lawrence Kestenbaum
Washtenaw County Clerk/Register

IN WITNESS WHEREOF, this Covenant Deed has been executed to be effective as of the date first above written.

GRANTOR:

Arbor One 18 LLC,
a Delaware limited liability company

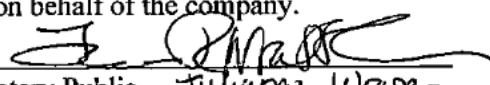
By: Arbor One, LLC,
a Michigan limited liability company
Its: Sole Member

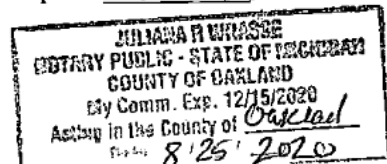
By: Watermark Partners Fund IV GP LLC,
a Michigan limited liability company
Its: Manager

By: 
Michael Schmanksy
Its: Member

State of Michigan)
County of Oakland)ss

The foregoing instrument was acknowledged before me this 25 day of August, 2020, by Michael Schmanksy, a Member of Watermark Partners Fund IV GP LLC, a Michigan limited liability company, the Manager of Arbor One, LLC, a Michigan limited liability company, the Sole Member of Arbor One 18 LLC, a Delaware limited liability company, on behalf of the company.


Notary Public, Juliana Wasse
My Commission Expires 12-15-2020



When recorded return to:
Grantee

Send subsequent Tax Bills To:
Grantee

Drafted by:
Nathan Lewis
301 W. Michigan Ave.
Suite 411
Ypsilanti, Michigan 48197

EXHIBIT A TO COVENANT DEED**LEGAL DESCRIPTION**

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Ypsilanti, County of Washtenaw, State of Michigan.

TRACT I:

Lot 1 of NEWTON ACRES SUBDIVISION, according to the plat thereof recorded in Liber 19 of Plats, Pages 4 and 5 of Washtenaw County Records.

TRACT II:

Part of the Northwest fractional 1/4 of Section 4, Town 3 South, Range 7 East, ^{Superior}Ypsilanti Township, Washtenaw County, Michigan, described as follows: Commencing at the Northwest corner of fractional Section 4; thence North 88 degrees 20 minutes 30 seconds East 73.70 feet along the North line of said Section 4 and the centerline of Clark Road to the Southwest corner of Section 33, Town 2 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; thence South 89 degrees 55 minutes 30 seconds East 1211.40 feet along the North line of said Section 4 and the centerline of Clark Road to a point that lies North 89 degrees 55 minutes 30 seconds West 1327.26 feet along the North line of said Section 4 and the centerline of Clark Road from the North 1/4 corner of said Section 4; thence South 00 degrees 04 minutes 30 seconds West 572.85 feet to the Point of Beginning; thence South 00 degrees 04 minutes 30 seconds West 635.25 feet; thence North 56 degrees 37 minutes 00 seconds West 492.35 feet; thence South 78 degrees 12 minutes 00 seconds West 643.43 feet; thence North 00 degrees 49 minutes 00 seconds East 391.73 feet; thence North 87 degrees 23 minutes 30 seconds West 257.75 feet; thence North 00 degrees 49 minutes 00 seconds East 98.97 feet; thence South 89 degrees 57 minutes 00 seconds East 231.00 feet; thence North 00 degrees 49 minutes 00 seconds East 64.58 feet; thence South 89 degrees 57 minutes 00 seconds East 33.00 feet; thence North 00 degrees 49 minutes 00 seconds East 237.00 feet; thence South 89 degrees 58 minutes 30 seconds East 481.40 feet; thence South 00 degrees 04 minutes 30 seconds West 307.16 feet; thence South 89 degrees 55 minutes 00 seconds East 543.01 feet to the Point of Beginning.

TRACT II ALSO DESCRIBED BY SURVEY AS FOLLOWS:

Part of the Northwest 1/4 of Section 4, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan, described as follows: Commencing at the Northwest corner of Section 4; thence North 88 degrees 22 minutes 07 seconds East 73.89 feet along the North line of said Section 4 and the centerline of Clark Road (66' wide) to the Southwest corner of Section 33, Town 2 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; thence South 89 degrees 55 minutes 02 seconds East 1211.40 feet along said North line of Section 4 and said centerline of Clark Road; thence South 00 degrees 04 minutes 58 seconds West 572.85 feet to the Point of Beginning; thence South 00 degrees 04 minutes 58 seconds West 635.25 feet; thence North 56 degrees 36 minutes 32 seconds West 492.35 feet; thence South 78 degrees 14 minutes 16 seconds West 643.48 feet; thence North 00 degrees 49 minutes 00 seconds East 391.89 feet; thence North 87 degrees 23 minutes 19 seconds West 257.75 feet to a point on the West line of said Section 4; thence North 00 degrees 49 minutes 00 seconds East 98.97 feet along said West line; thence South 89 degrees 58 minutes 20 seconds East 231.17 feet; thence North 00 degrees 49 minutes 00 seconds East 64.58 feet; thence South 89 degrees 58 minutes 20 seconds East 33.00 feet; thence North 00 degrees 49 minutes 00 seconds East 238.83 feet; thence South 89 degrees 43 minutes 18 seconds East 481.40 feet; thence South 00 degrees 04 minutes 58 seconds West 307.16 feet; thence South 89 degrees 54 minutes 32 seconds East 543.01 feet to the Point of Beginning.

TRACT III:

That part of the Northeast 1/4 of Section 5, Town 3 South, Range 7 East, formerly in Ypsilanti Township, now in the City of Ypsilanti, Washtenaw County, Michigan, described as follows: Starting at the Northeast corner of said Section 5; thence South 00 degrees 49 minutes 00 seconds West along the East line of said Section 5, being also the centerline of LaForge Road, a distance of 620.40 feet to the POINT OF BEGINNING of the premises hereinafter described; thence South 00 degrees 49 minutes 00 seconds West along the East line of said Section 5, a distance of 402.60 feet to a point; thence Due West parallel with the North line of said Section 5, a distance of 577.00 feet (measured North 89 degrees 59 minutes 54 seconds West 576.20 feet); thence North 00 degrees 49 minutes 00 seconds East and parallel with the East line of Section 5, a distance of 267.00 feet to a point; thence Due West a distance of 62.00 feet to a point; thence North 00 degrees 49 minutes 00 seconds East, a distance of 135.60 feet (measured North 00 degrees 46 minutes 59 seconds East 135.43 feet) to a point; thence Due East, a distance of 639.00 feet (measured North 89 degrees 58 minutes 44 seconds East 638.20 feet) to the POINT OF BEGINNING, EXCEPT the Easterly 43 feet thereof.

TRACT III ALSO DESCRIBED BY SURVEY AS FOLLOWS:

That part of the Northeast 1/4 of Section 5, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, described as follows: Commencing at the Northeast corner of said Section 5; thence North 89 degrees 58 minutes 50 seconds West, 42.65 feet; thence South 00 degrees 49 minutes 00 seconds West, 620.40 feet along the Westerly 43 foot right of way line of LaForge Road to the Point of Beginning, said point also being the intersection of the Westerly right of way line of said LaForge Road and the Southerly right of way line of Green Road (50 feet wide); thence South 00 degrees 49 minutes 00 seconds West, 402.60 feet along the Westerly right of way line of said LaForge Road; thence North 89 degrees 58 minutes 50 seconds West, 534.00 feet; thence North 00 degrees 49 minutes 00 seconds East, 267.00 feet; thence North 89 degrees 58 minutes 50 seconds West, 62.00 feet; thence North 00 degrees 49 minutes 00 seconds East, 135.60 feet to a point on the Southerly right of way line of said Green Road; thence South 89 degrees 58 minutes 50 seconds East, 596.00 feet to the Point of Beginning.

NOTE FOR INFORMATION: Being Parcel No. 11-11-05-100-001 (Tract I), K-11-04-200-013 (Tract II) and 11-11-05-100-007 (Tract III), of the City of Ypsilanti, County of Washtenaw

EXHIBIT B TO COVENANT DEED

PERMITTED EXCEPTIONS

1. Rights of tenants in possession, as tenants only, under unrecorded leases pursuant to the attached rent roll, with no rights to purchase or rights of first refusal to purchase of all any portion of the property.
2. Taxes for the year 2020 and all subsequent years, a lien not yet due and payable.
3. The rights of upper and lower riparian owners and the rights of others to the free and unobstructed flow of the water of the Superior Number One Drain extending through the subject land, without diminution or pollution.
4. No title is insured to any land now or formerly lying in the bed of the Superior Number One Drain and its shore lands extending to the ordinary high-water mark thereof.
5. No title is insured to any land lying in the bed of LeForge Road, abutting, adjoining, passing through or crossing the premises herein.
6. Agreement between Gordon, Shubow and Oliver, The Detroit Edison Company and Michigan Bell Telephone Company recorded on October 16, 1967 in Liber 1220 Page 569. (As to Tract I).
7. Conditions, restrictions, covenants, easements and agreements in Easement Grant and Declaration of Restrictions dated September 28, 1967 and recorded November 28, 1967 in Washtenaw County in Liber 1226 Page 285 and any amendments thereto. (As to Tract I).
8. Agreement between Mill Development Company, The Detroit Edison Company and Michigan Bell Telephone Company recorded on February 13, 1968 in Liber 1234 Page 421. (As to Tracts I and III).
9. Right-of-Way Agreement between Highland Construction Company and Michigan Consolidated Gas Company recorded on January 23, 1973 in Liber 1426 Page 511. (As to Tract II).
10. Agreement - Easement - Restrictions recorded on April 27, 1973 in Liber 1436 Page 583 and re-recorded on March 20, 1974 in Liber 1471 Page 673. (As to Tract II).
11. Grant of Easement to Comcast of the South, Inc. recorded on September 20, 2004 in Liber 4425 Page 886. (As to Tract II).
12. Grant of Easement to Comcast of the South, Inc. recorded on October 13, 2005 in Liber 4514 Page 74. (As to Tract II).
13. Grant of Easement to Comcast of the South, Inc. recorded on April 30, 2013 in Liber 4974 Page 962. (As to Tract III).
14. Grant of Easement to Comcast of the South, Inc. recorded on April 30, 2013 in Liber 4974 Page 963. (As to Tract II).
15. As to Tract I:
The following matters disclosed by Survey prepared by Kevin Navaroli of Nowak & Fraus, Project/Job Number G208, dated 03/02/2020, last revised 8/24/2020
 - a. Fences, Trashes enclosure walls and asphalt extends beyond westerly property line;
 - b. Walls encroach easement as reflected in Liber 1220, page 569 and Liber 1226, page 285;

c. Rights of others, both public and private in and to manholes, catch basins, fire hydrants, cleanouts, guy wires, utility poles, gas regulators, sanitary lines, storm sewer lines, cables tv and cables phone on or crossing subject property.

As to Tract II:

The following matters disclosed by Survey prepared by Kevin Navaroli of Nowak & Fraus, Project/Job Number G208, dated 03/02/2020, last revised 8/24/2020

- a. Fences do not coincide with property lines;
- b. Rights of others, both public and private, in and to guy wires, gas services, catch basins, manholes, storm lines, fire hydrants, electric risers, electric meters, light poles, overhead line, utility poles, overhead lines, utility cables, sanitary lines, utility boxes and utility cable son or crossing subject property.

As to Tract III:

The following matters disclosed by Survey prepared by Kevin Nayaroli of Nowak & Fraus, Project/Job Number G208, dated 03/02/2020, last revised 8/24/2020,

- a. Fence and wall do not coincide with southerly property line;
- b. Sign encroaches easterly property line;
- c. Asphalt extends beyond easterly property line;
- d. Rights of others, both public and private, in and to utility poles, overhead lines, utility boxes, sanitary lines, fire hydrants, manholes, water main line, transformers, catch basins, storm sewer lines, cleanouts, gas and utility cables on or crossing subject property.

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Part of the Northwest fractional 1/4 of Section 4, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan, described as follows: Commencing at the Northwest corner of fractional Section 4; thence North 88 degrees 20 minutes 30 seconds East 73.70 feet along the North line of said Section 4 and the centerline of Clark Road to the Southwest corner of Section 33, Town 2 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; thence South 89 degrees 55 minutes 30 seconds East 1211.40 feet along the North line of said Section 4 and the centerline of Clark Road to a point that lies North 89 degrees 55 minutes 30 seconds West 1327.26 feet along the North line of said Section 4 and the centerline of Clark Road from the North 1/4 corner of said Section 4; thence South 00 degrees 04 minutes 30 seconds West 572.85 feet to the Point of Beginning; thence South 00 degrees 04 minutes 30 seconds West 635.25 feet; thence North 56 degrees 37 minutes 00 seconds West 492.35 feet; thence South 78 degrees 12 minutes 00 seconds West 643.43 feet; thence North 00 degrees 49 minutes 00 seconds East 391.73 feet; thence North 87 degrees 23 minutes 30 seconds West 257.75 feet; thence North 00 degrees 49 minutes 00 seconds East 98.97 feet; thence South 89 degrees 57 minutes 00 seconds East 231.00 feet; thence North 00 degrees 49 minutes 00 seconds East 64.58 feet; thence South 89 degrees 57 minutes 00 seconds East 33.00 feet; thence North 00 degrees 49 minutes 00 seconds East 237.00 feet; thence South 89 degrees 58 minutes 30 seconds East 481.40 feet; thence South 00 degrees 04 minutes 30 seconds West 307.16 feet; thence South 89 degrees 55 minutes 00 seconds East 543.01 feet to the Point of Beginning.

TRACT II ALSO DESCRIBED BY SURVEY AS FOLLOWS:

Part of the Northwest 1/4 of Section 4, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan, described as follows: Commencing at the Northwest corner of Section 4; thence North 88 degrees 22 minutes 07 seconds East 73.89 feet along the North line of said Section 4 and the centerline of Clark Road (66' wide) to the Southwest corner of Section 33, Town 2 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; thence South 89 degrees 55 minutes 02 seconds East 1211.40 feet along said North line of Section 4 and said centerline of Clark Road; thence South 00 degrees 04 minutes 58 seconds West 572.85 feet to the Point of Beginning; thence South 00 degrees 04 minutes 58 seconds West 635.25 feet; thence North 56 degrees 36 minutes 32 seconds West 492.35 feet; thence South 78 degrees 14 minutes 16 seconds West 643.48 feet; thence North 00 degrees 49 minutes 00 seconds East 391.89 feet; thence North 87 degrees 23 minutes 19 seconds West 257.75 feet to a point on the West line of said Section 4; thence North 00 degrees 49 minutes 00 seconds East 98.97 feet along said West line; thence South 89 degrees 58 minutes 20 seconds East 231.17 feet; thence North 00 degrees 49 minutes 00 seconds East 64.58 feet; thence South 89 degrees 58 minutes 20 seconds East 33.00 feet; thence North 00 degrees 49 minutes 00 seconds East 238.83 feet; thence South 89 degrees 43 minutes 18 seconds East 481.40 feet; thence South 00 degrees 04 minutes 58 seconds West 307.16 feet; thence South 89 degrees 54 minutes 32 seconds East 543.01 feet to the Point of Beginning.

APPROVED: YPSILANTI TOWNSHIP

NOV 01 2020

FOR RECORDING PURPOSES ONLY



Ben McLean
Tract II

Record and return to:
Madison Title Agency, LLC
1125 Ocean Avenue
Lakewood, NJ 08701
MTA 146385

PRIVATE ROAD NOTICE THIS NOTICE is given pursuant to MCL 560.261

BY: ARBOR ONE 18 LLC

Whose address is: 301 W. MICHIGAN AVE., SUITE 411, YPSILANTI, MI 48197

TO: VTP A1 LP

Whose Address is: 920 E. COUNTY LINE RD., SUITE 103, LAKEWOOD, NJ 08701

PARTIES to a certain Sales Agreement for the sale of a parcel of land in the City of Ypsilanti, County of Washtenaw, and State of Michigan, described as follows:

See attached Exhibit A

Commonly known as: 799 Green Rd., Ypsilanti, Michigan 48198

SELLER hereby advises Purchaser that said parcel of land abuts a private road that has not been accepted for maintenance by the Washtenaw County Road Commission or any other public body.

THIS Notice is made on August 31, 2020.

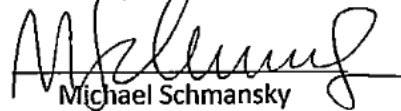
[Signature on Following Page]

Signed By:

ARBOR ONE 18 LLC

By: Arbor One LLC, its sole member

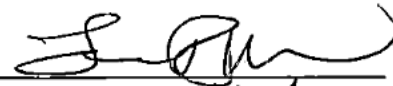
By: Watermark Partners Fund IV GP LLC, is manager

By: 
Michael Schmansky

Its: Member

COUNTY OF Oakland
STATE OF MICHIGAN

The foregoing instrument was acknowledged before me on August 25, 2020 by Michael Schmansky, the member of Watermark Partners Fund IV GP LLC, the manager of Arbor One LLC, the sole member of Arbor One 18 LLC.


Notary Public, Oakland County,
Acting in Oakland County,
State of MI
Commission Expires: 12-15-2020

Drafted By: Nathan Lewis, 301 W. Michigan Ave., Suite 411, Ypsilanti, MI 48197

After recording, return to: VTP A1 LP, 920 E. County Line Rd., Suite 103, Lakewood, NJ 08701

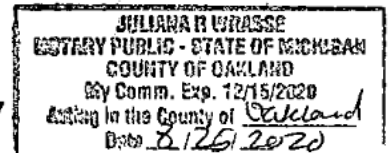


Exhibit A

Old Republic National Title Insurance Company

Commitment Number: 146385

**TITLE INSURANCE COMMITMENT
SCHEDULE A
LEGAL DESCRIPTION**

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Ypsilanti, County of Washtenaw, State of Michigan.

TRACT I:

Lot 1 of NEWTON ACRES SUBDIVISION, according to the plat thereof recorded in Liber 19 of Plats, Pages 4 and 5 of Washtenaw County Records.

TRACT II:

Part of the Northwest fractional 1/4 of Section 4, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan, described as follows: Commencing at the Northwest corner of fractional Section 4; thence North 88 degrees 20 minutes 30 seconds East 73.70 feet along the North line of said Section 4 and the centerline of Clark Road to the Southwest corner of Section 33, Town 2 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; thence South 89 degrees 55 minutes 30 seconds East 1211.40 feet along the North line of said Section 4 and the centerline of Clark Road to a point that lies North 89 degrees 55 minutes 30 seconds West 1327.26 feet along the North line of said Section 4 and the centerline of Clark Road from the North 1/4 corner of said Section 4; thence South 00 degrees 04 minutes 30 seconds West 572.85 feet to the Point of Beginning; thence South 00 degrees 04 minutes 30 seconds West 635.25 feet; thence North 56 degrees 37 minutes 00 seconds West 492.35 feet; thence South 78 degrees 12 minutes 00 seconds West 643.43 feet; thence North 00 degrees 49 minutes 00 seconds East 391.73 feet; thence North 87 degrees 23 minutes 30 seconds West 257.75 feet; thence North 00 degrees 49 minutes 00 seconds East 98.97 feet; thence South 89 degrees 57 minutes 00 seconds East 231.00 feet; thence North 00 degrees 49 minutes 00 seconds East 64.58 feet; thence South 89 degrees 57 minutes 00 seconds East 33.00 feet; thence North 00 degrees 49 minutes 00 seconds East 237.00 feet; thence South 89 degrees 58 minutes 30 seconds East 481.40 feet; thence South 00 degrees 04 minutes 30 seconds West 307.16 feet; thence South 89 degrees 55 minutes 00 seconds East 543.01 feet to the Point of Beginning.

TRACT II ALSO DESCRIBED BY SURVEY AS FOLLOWS:

Part of the Northwest 1/4 of Section 4, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan, described as follows: Commencing at the Northwest corner of Section 4; thence North 88 degrees 22 minutes 07 seconds East 73.89 feet along the North line of said Section 4 and the centerline of Clark Road (66' wide) to the Southwest corner of Section 33, Town 2 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; thence South 89 degrees 55 minutes 02 seconds East 1211.40 feet along said North line of Section 4 and said centerline of Clark Road; thence South 00 degrees 04 minutes 58 seconds West 572.85 feet to the Point of Beginning; thence South 00 degrees 04 minutes 58 seconds West 635.25 feet; thence North 56 degrees 36 minutes 32 seconds West 492.35 feet; thence South 78 degrees 14 minutes 16 seconds West 643.48 feet; thence North 00 degrees 49 minutes 00 seconds East 391.89 feet; thence North 87 degrees 23 minutes 19 seconds West 257.75 feet to a point on the West line of said Section 4; thence North 00 degrees 49 minutes 00 seconds East 98.97 feet along said West line; thence South 89 degrees 58 minutes 20 seconds East 231.17 feet; thence North 00 degrees 49 minutes 00 seconds East 64.58 feet; thence South 89 degrees 58 minutes 20 seconds East 33.00 feet; thence North 00 degrees 49 minutes 00 seconds East 238.83 feet; thence South 89

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

**SCHEDULE A
LEGAL DESCRIPTION
(Continued)**

degrees 43 minutes 18 seconds East 481.40 feet; thence South 00 degrees 04 minutes 58 seconds West 307.16 feet; thence South 89 degrees 54 minutes 32 seconds East 543.01 feet to the Point of Beginning.

TRACT III:

That part of the Northeast 1/4 of Section 5, Town 3 South, Range 7 East, formerly in Ypsilanti Township, now in the City of Ypsilanti, Washtenaw County, Michigan, described as follows: Starting at the Northeast corner of said Section 5; thence South 00 degrees 49 minutes 00 seconds West along the East line of said Section 5, being also the centerline of LaForge Road, a distance of 620.40 feet to the POINT OF BEGINNING of the premises hereinafter described; thence South 00 degrees 49 minutes 00 seconds West along the East line of said Section 5, a distance of 402.60 feet to a point; thence Due West parallel with the North line of said Section 5, a distance of 577.00 feet (measured North 89 degrees 59 minutes 54 seconds West 576.20 feet); thence North 00 degrees 49 minutes 00 seconds East and parallel with the East line of Section 5, a distance of 267.00 feet to a point; thence Due West a distance of 62.00 feet to a point; thence North 00 degrees 49 minutes 00 seconds East, a distance of 135.60 feet (measured North 00 degrees 46 minutes 59 seconds East 135.43 feet) to a point; thence Due East, a distance of 639.00 feet (measured North 89 degrees 58 minutes 44 seconds East 638.20 feet) to the POINT OF BEGINNING, EXCEPT the Easterly 43 feet thereof.

TRACT III ALSO DESCRIBED BY SURVEY AS FOLLOWS:

That part of the Northeast 1/4 of Section 5, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, described as follows: Commencing at the Northeast corner of said Section 5; thence North 89 degrees 58 minutes 50 seconds West, 42.65 feet; thence South 00 degrees 49 minutes 00 seconds West, 620.40 feet along the Westerly 43 foot right of way line of LaForge Road to the Point of Beginning, said point also being the intersection of the Westerly right of way line of said LaForge Road and the Southerly right of way line of Green Road (50 feet wide); thence South 00 degrees 49 minutes 00 seconds West, 402.60 feet along the Westerly right of way line of said LaForge Road; thence North 89 degrees 58 minutes 50 seconds West, 534.00 feet; thence North 00 degrees 49 minutes 00 seconds East, 267.00 feet; thence North 89 degrees 58 minutes 50 seconds West, 62.00 feet; thence North 00 degrees 49 minutes 00 seconds East, 135.60 feet to a point on the Southerly right of way line of said Green Road; thence South 89 degrees 58 minutes 50 seconds East, 596.00 feet to the Point of Beginning.

NOTE FOR INFORMATION: Being Parcel No. 11-11-05-100-001 (Tract I), K-11-04-200-013 (Tract II) and 11-11-05-100-007 (Tract III), of the City of Ypsilanti, County of Washtenaw

NOTE: The Property tax parcel identification number is provided solely for informational purposes, without warranty as to accuracy or completeness and is not hereby insured.

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